

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

POLAROID CORPORATION)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 06-738 (SLR)
)	
HEWLETT-PACKARD COMPANY,)	REDACTED -
)	PUBLIC VERSION
Defendant.)	

VOLUME II OF II
APPENDIX OF EXHIBITS TO
POLAROID'S OPENING BRIEF IN SUPPORT OF ITS MOTION TO PRECLUDE
HEWLETT-PACKARD FROM RELYING ON UNTIMELY PRODUCED DISCOVERY

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Original Filing Date: May 23, 2008

Redacted Filing Date: June 2, 2008

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on June 2, 2008, I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing(s) to the following:

William J. Marsden, Jr.
FISH & RICHARDSON P.C.

I also certify that copies were caused to be served on June 2, 2008 upon the following in the manner indicated:

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EXHIBIT 8

REDACTED

EXHIBIT 9

REDACTED

EXHIBIT 10

REDACTED

EXHIBIT 11

REDACTED

EXHIBIT 12

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March 18, 2008

VIA EMAIL

John E. Giust, Esq.
Fish & Richardson, P.C.
12390 El Camino Real
San Diego, CA 92130

Re: *Polaroid Corporation v. Hewlett Packard Company*
USDC-D. Del.-C.A. No. 06-738 (SLR)

Dear Mr. Giust:

I write regarding HP's ongoing late production of documents. HP continues to produce additional documents despite the fact that the document production deadline passed over six months ago and fact discovery closed over a month and a half ago. There is no justification for HP's belated production of documents. Please be advised that Polaroid will move to preclude HP's or its experts' use of, and reliance on, any belatedly produced HP document, which includes at a minimum the following documents:

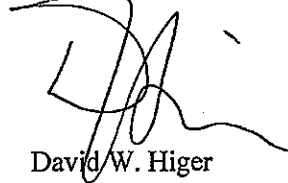
- HP_65796-66694;
- HP_66708-82996;
- HP_83231-91196;
- HP_91209-92532;
- HP_92534-92560¹;
- HP_95244-95530;
- HPPOL_0674781-0726068;
- HPPOL_0726078-0815802;
- HPPOL_0815806-1767691;
- HPPOL_1741553 R;
- HPPOL_1741675 R-1741677 R;
- HPPOL_1759263 R-1759270 R;
- HPPOL_1759283 R-1759287 R;
- HPPOL_1761531 R-1761549 R;
- HPPOL_1761552 R-1761555 R;

¹ Polaroid notes that the CD purportedly containing HP_95365-463 was produced to Polaroid blank.

John E. Giust, Esq.
March 18, 2008
Page 2

- HPPPN_001 - 037;
- HPPPN_026-027 Supplemental;
- HPDE_0000001-0314485; and
- HPDEN_001.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Higer', with a long horizontal flourish extending to the right.

David W. Higer

DWH

cc: William M. Boyd, Esq.
Jack B. Blumenfeld, Esq.

EXHIBIT 13

REDACTED

EXHIBIT 14



News release

[» Return to original page](#)**HP Announces Strategy to Bridge Gap Between Content Creation and Publishing**

LAS VEGAS, Jan. 31, 2008

HP today announced its strategy to enable customers – from home consumers to large corporations – to harness the vast amount of rich media content that remains untapped for publishing.

Related Links[» Printing](#)[» Snapfish](#)[» View the press kit](#)

As part of the announcement, HP unveiled at the Photo Marketing Association (PMA) tradeshow several retail photo printing solutions and services that provide consumers the tools to personalize their photos and publish customized creative output, while helping retailers maintain peak efficiency.

With three major analog-to-digital conversion processes already underway – in film, telephony and TV – and as more analog processes such as book publishing are converted to digital, the growth of digital content is exploding.

According to industry analyst firm IDC, the information added annually to the “digital universe” is expected to increase more than sixfold from 161 billion gigabytes to 988 billion gigabytes between 2006 and 2010. In 2006 alone, the amount of digital information created, captured and replicated was approximately 3 million times the information in all the books ever written.⁽¹⁾

Recognizing this opportunity, HP’s strategy focuses on four key areas that are designed to close the gap between the content that is created and that which is actually published and available for consumption:

- Helping customers create, access, manage and publish their content
- Generating new publishing occasions
- Using the web and other software assets to enable the entire content creation, management and publishing ecosystem
- Applying these capabilities to high-growth vertical markets

The effort is being led through HP’s [Web Services and Software Business](#), which was created last fall within the company’s Imaging and Printing Group.

“Put simply, we want our customers to be able to bring rich content to life,” said David Murphy, senior vice president, Web Services and Software Business, HP. “In combining our printing franchise with a world-class set of software and web assets, HP is creating a multibillion-dollar business poised to lead the transformation to a comprehensive digital supply chain – from content creation and management to publishing and consumption.”

Enabling the digital transformation

Nowhere is the disconnect between digital content creation and publishing more prevalent than in the digital photography market, where the difference in the number of images captured and those that are actually published or printed is vast and growing.

To bridge this gap, HP is empowering consumers with the tools to personalize their photos and publish customized creative content. In the retail photo environment, the company is working to transform retailers’ traditional photo labs into digital publishing centers that move beyond prints to rich digital media, such as photo books, posters, calendars and other creative photo products.

To this end, HP unveiled several additions to its lineup, including the launch of the new [HP Photo Center](#) – a versatile, scalable and space-efficient digital print solution designed to easily plug into a retailer’s existing lab infrastructure. The system incorporates the new [HP Photosmart ml1000 Minilab](#)

printer, designed to be the fastest and most versatile dry inkjet retail photo printing system on the market,⁽²⁾ as well as the efficient and easy-to-use new HP Photosmart pm2000e Microlab printer. Both products were winners of the DIMA 2008 Innovative Digital Product Awards.

The HP Photo Center also includes the new HP Photosmart cl2000 Creative printer for production of photo books, calendars, greeting cards and other published consumer content, and a new consumer order station that features a 17-inch screen with screen-assisted navigation to make publishing creative content easier.

To help retailers efficiently manage back-office services, such as device configuration, billing and reporting, the HP Photo Center features an innovative suite of software. The system also offers order management functionality to help with job fulfillment and a remote management system that ensures systems are consistently available for customer use.

Fueling the web-to-store printing market

HP also announced it is now offering its Snapfish by HP members the ability to order posters online to be picked up the same day at any of Staples' 1,400 "Copy and Printer Centers" nationwide. Staples is the first nationwide retailer to offer this service.

Starting at \$14.99,⁽³⁾ the posters will be printed in-store on HP Designjet printers and offered in two sizes – 16 x 20 inches and 20 x 30 inches. Customers will have the choice of using a single image or creating a collage of up to 30 images, and they can add a title as well as select from up to 14 background colors.

Between 2004 and 2007, the web-to-retail market in the United States grew more than 1,200 percent to more than 1.2 billion prints, according to internal HP data. In 2007, the Snapfish network of online photo sites generated more than 1 billion of those 1.2 billion web-to-store prints.

HP at PMA

HP's David Murphy will participate on the PMA Visionaries Panel today, where he will discuss the digital photography landscape, including the challenges and opportunities in helping consumers use the power of digital to unleash their photos and publish them in new and exciting ways.

More information on the products mentioned above and other HP announcements at PMA is available in an online press kit at <http://www.hp.com/go/pma2008>.

About HP

HP focuses on simplifying technology experiences for all of its customers – from individual consumers to the largest businesses. With a portfolio that spans printing, personal computing, software, services and IT infrastructure, HP is among the world's largest IT companies, with revenue totaling \$104.3 billion for the four fiscal quarters ended Oct. 31, 2007. More information about HP (NYSE: HPQ) is available at <http://www.hp.com>.

(1) IDC, "The Expanding Digital Universe: A Forecast of Worldwide Information Growth Through 2010," March 2007, John F. Gantz.

(2) Based upon manufacturers' dry retail lab printer published specifications as of December 2007.

(3) Actual prices may vary.

This news release contains forward-looking statements that involve risks, uncertainties and assumptions. If such risks or uncertainties materialize or such assumptions prove incorrect, the results of HP and its consolidated subsidiaries could differ materially from those expressed or implied by such forward-looking statements and assumptions. All statements other than statements of historical fact are statements that could be deemed forward-looking statements, including but not limited to statements of the plans, strategies and objectives of

management for future operations; any statements concerning expected development, performance or market share relating to products and services; anticipated operational and financial results; any statements of expectation or belief; and any statements of assumptions underlying any of the foregoing. Risks, uncertainties and assumptions include the execution and performance of contracts by HP and its customers, suppliers and partners; the achievement of expected results; and other risks that are described in HP's filings with the Securities and Exchange Commission, including but not limited to HP's Annual Report on Form 10-K for the fiscal year ended Oct. 31, 2007. HP assumes no obligation and does not intend to update these forward-looking statements.

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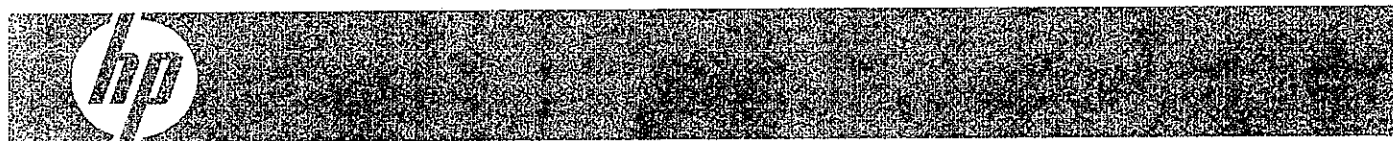
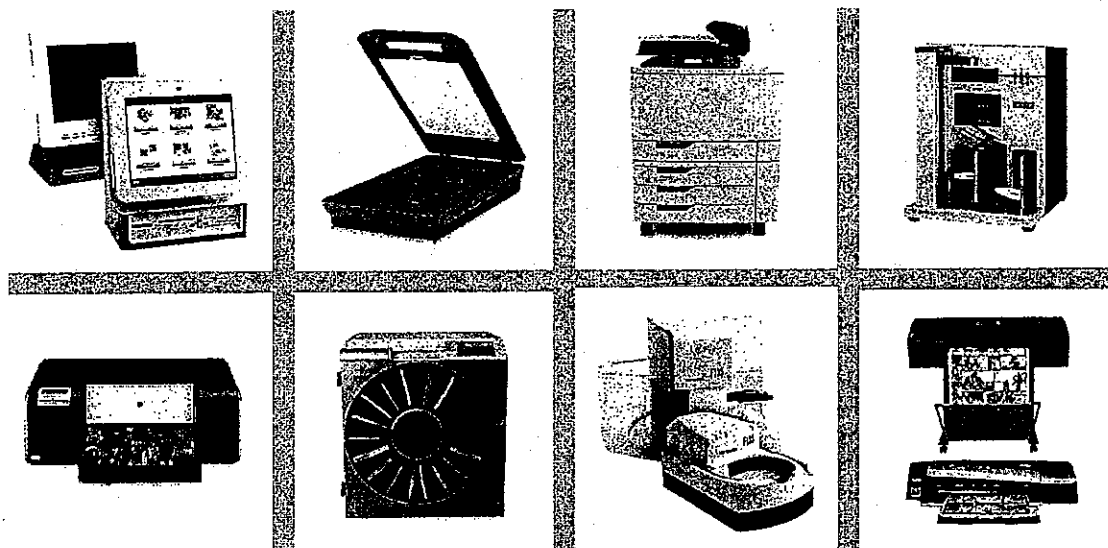
[Feedback to webmaster](#)

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EXHIBIT 15

HP Photo Center

Create new profit streams and increase store traffic with photo products that help customers tell their stories



Lab-quality photos and more

HP Photo Center expands your retail business with high-margin, high-value products. In addition to vibrant, lab-quality photos, your customers can easily produce professional-looking photo creations such as photo books, calendars, greeting cards and more within a one-hour service environment.

Easy for your customers and employees

With HP Photo Center, your customers can manage high volumes of digital images quickly and easily from a single order kiosk. The easy-to-use touchscreen interface guides customers through each step of the ordering process and allows for automatic red-eye removal and light adjustment. Images can be put into the HP Photo Center via most standard digital camera memory devices, CDs, DVDs and USB drives.

Behind the counter, the tools are easy to learn and use, and can be integrated into your current workflow or organized into one compact workstation. HP Photo Center requires little maintenance and only occasional supply replenishment. Because the system doesn't use photographic chemicals, no special training is required to operate or maintain. It also means no mess and no nasty smells.

Expand your offerings

With more than 30 HP hardware, software and service options, HP Photo Center can be configured to create a unique photo processing environment to meet your retail needs. The basic solution includes the HP Creative Printer, HP Consumer Station, HP Fulfillment Station and order-label printer, as well as everything needed to create photo books, calendars and greeting cards. Expansion kits enable you to offer even more including posters, CDs, 4 x 6-inch prints, wallets, 5 x 7-inch prints, 8 x 10-inch prints, photo scanning and film scanning.

Unmatched HP quality

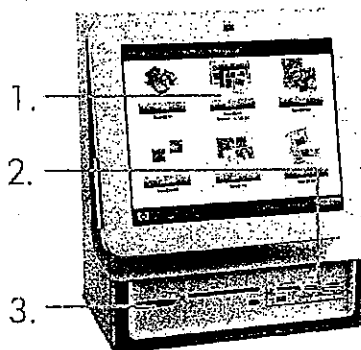
Unique five-layer HP LaserJet paper produces exceptional-quality photo creations trouble-free. And HP inks and HP Premium Plus Photo Paper create brilliant, consistent image quality for posters.

Why choose HP?

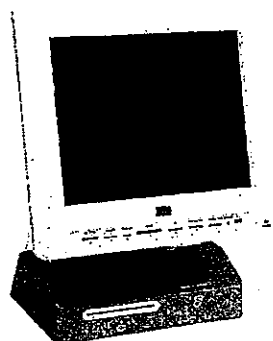
HP is the number-one digital printing brand worldwide and committed to developing and providing high-quality products your customers want to buy. We bring our innovative, reliable, clean and easy-to-use solutions to retail photo finishing. HP has the resources to help your photo business grow.

HP Photo Center: The base solution

1. HP 19-inch touchscreen and intuitive interface
2. Inputs
3. Receipt printer for order pickup



19-inch Consumer Order Station
enables standard digital media device inputs, including camera cards, CDs, DVDs and USB drives.

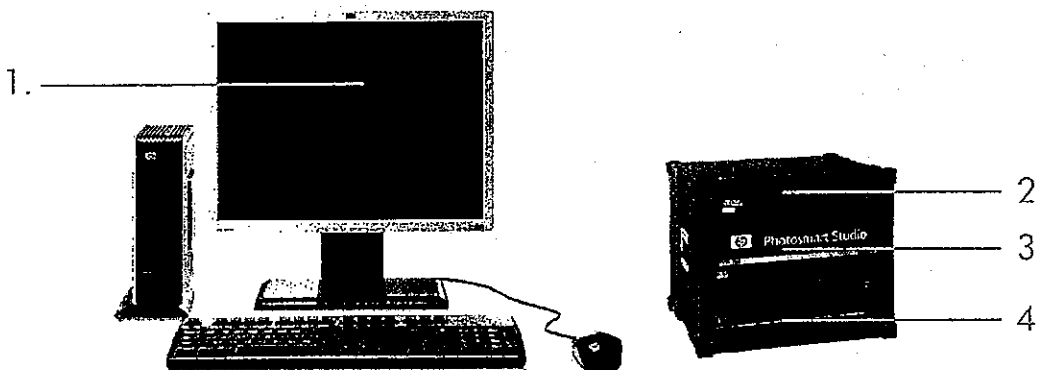


17-inch Consumer Order Station
enables standard digital media device inputs, including camera cards, CDs, DVDs and USB drives.



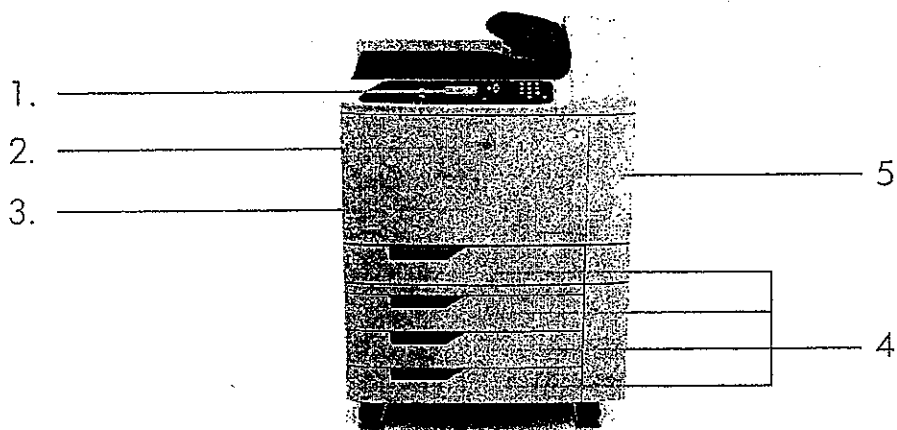
Pedestal for consumer order station (optional)

1. HP 19-inch TFT monitor
2. Secure router
3. SR IPSec base module
4. 24-port switch



HP Fulfillment Station

1. Control panel with four-line graphical display and help features as well as configurable status alerts help you resolve printing issues quickly
2. 600-sheet output capacity
3. Simple front-door access allows you to change printer supplies easily
4. Four standard input trays
5. Full-speed (up to 24 ppm), two-sided color printing with automatic duplexing unit



HP Photosmart Creative Printer with four input trays

HP Photo Center: Output options

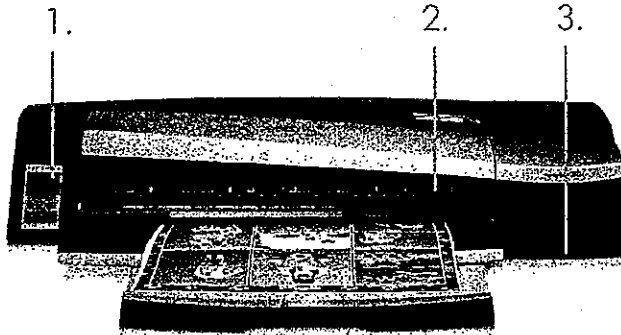
HP Poster Expansion Kit enables retailers to expand their HP Photo Center offerings to include high-quality poster printing. Choose from the HP Designjet 130NR printer or the HP Designjet Z3100 printer.

Front view

1. LCD printer-status indicator for ink-supply maintenance and print-message alerts

2. Front bypass slot accommodates cut-sheet media up to 24 inches

3. Small footprint allows placement of printer on table-top or in common work area



Rear view

4. Automatic roll feed accepts rolls up to 24 inches wide

Internal color sensor for color consistency

Fade-resistant inks with 4 pl drop size for fade-resistant, photo-quality images

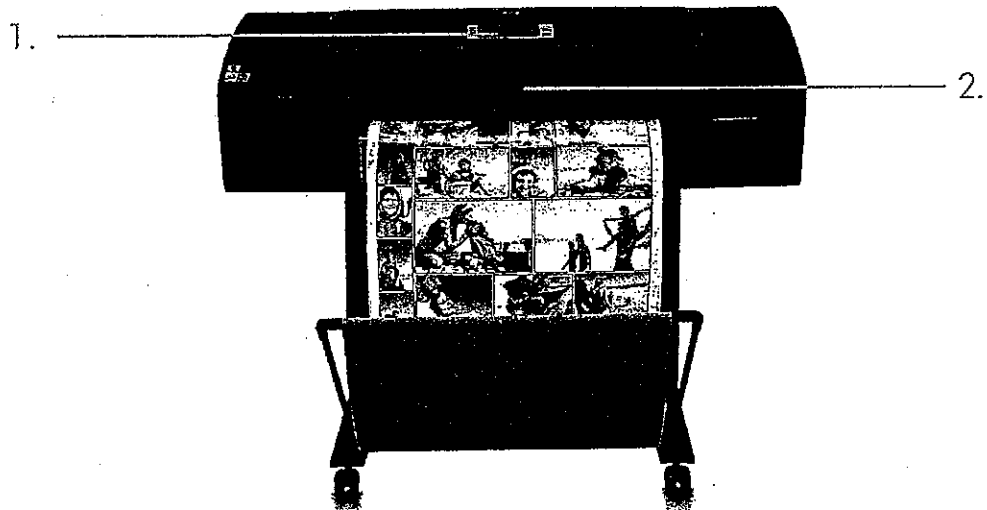
Modular ink system with six independently replaceable ink cartridges allows you to replace only the ink colors you need



HP Designjet 130NR printer

1. LCD front panel and direct-access keys for ink-supply maintenance and print-message alerts

2. Eleven-color HP Vivera pigment ink set with 4 pl and 6 pl drop size, as well as a 12th cartridge with gloss enhancer



HP Designjet Z3100 printer

HP Photo Center: Output options

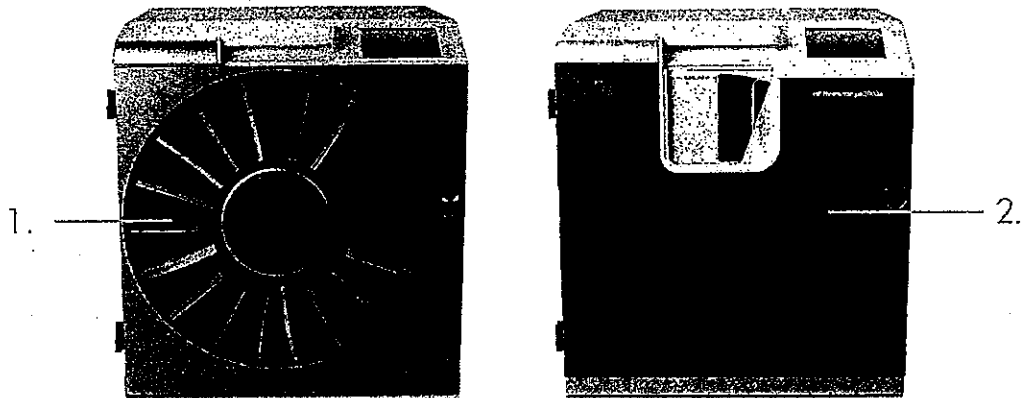
A high-volume microlab printer that produces 4x6 and 5x7 prints in seconds.

Stores up to 18 completed orders in built-in bins.

Secure vending capability lets customers retrieve their photos without employee assistance.

Compact design and standard power (110v) for efficient, under-the-counter implementation.

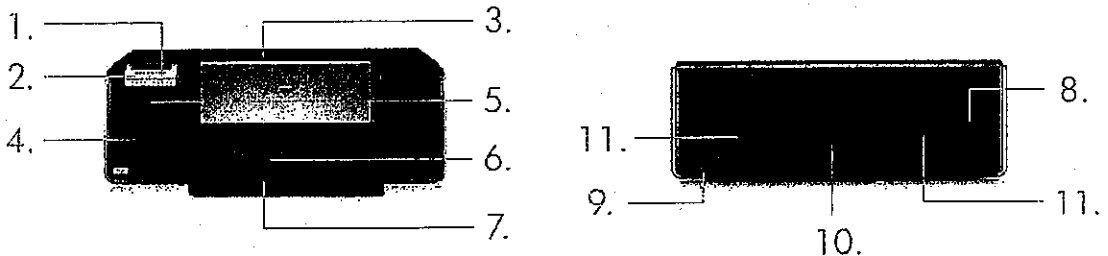
1. Bins accessible for behind-the-counter use
2. Optional door for front-of-counter by consumers



HP Photosmart PM2000e Microlab Printer Expansion Kit

Front view

1. LCD two-line text display with eight ink-level indicators
2. Control panel buttons and attention light
3. Top door for access to printheads
4. Ink cartridge door
5. Power button
6. 50-sheet output tray
7. 200-sheet input tray

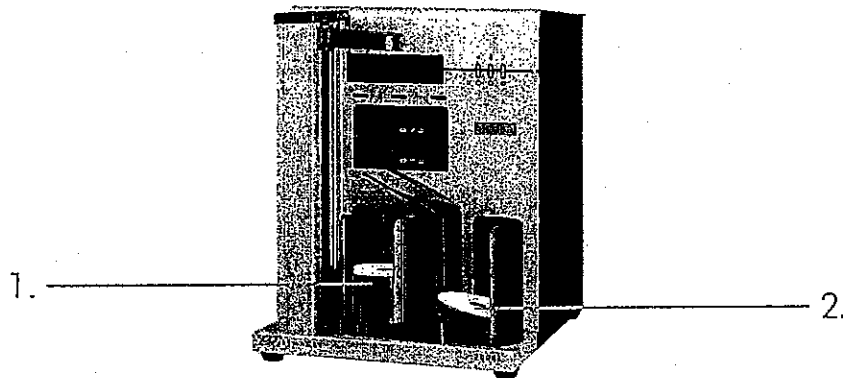


Rear view

8. Power cord connection
9. Ethernet port
10. Rear access door
11. Rear door releases

HP Enlargement Printer Expansion Kit enables retailers to expand their HP Photo Center offerings to include gallery-quality photo enlargements.

1. Large input tray holds 100 CDs
2. Output tray holds 110 CDs



HP CD Expansion Kit enables retailers to expand their HP Photo Center offerings to include archival CD creation.

HP Photo Center: Output options

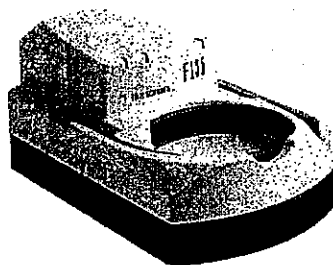
1. Ability to scan two photos at once



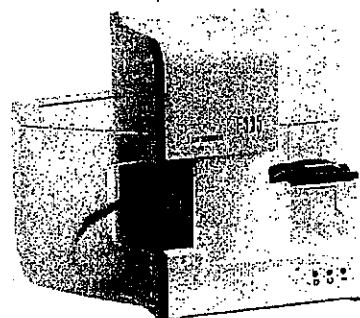
HP Photo Center Print-to-Print Scanner enables customers to scan and edit photos quickly and easily with excellent resolution and color accuracy.

Ability to scan rolls with up to 40 images and strip down to two frames

Automatic reading of the DX code from 35 mm film

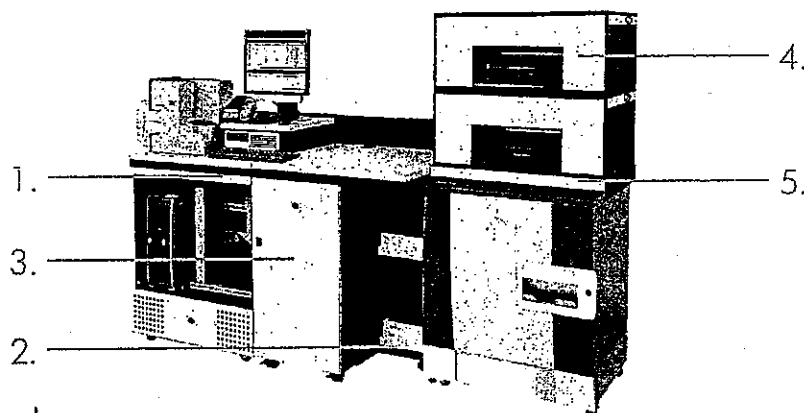


HP Standard Film Scanner Expansion Kit enables customers to scan film easily and create digital images that can be archived on CD or used for HP Photo Center creative products.



HP Enhanced Film Scanner Expansion Kit enables customers to scan film easily and create digital images that can be archived on CD or used for HP Photo Center creative products.

1. Enhanced Equipment Module with switch, router and wiring harness
2. Work Surface Module
3. Auxiliary Module
4. Printer Enclosure Module
5. Shelf Module



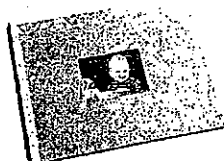
HP Operations Console
Durable, modular options for housing your HP photo solution

Output

Professional-looking photo creations



- High-quality 4 x 6-inch prints are smudge, water and fade resistant and last for generations.*
- Photo prints are available with or without borders.



- Photo books come in three sizes: 5 x 7 inches, 8.5 x 11 inches (portrait and landscape) and 12 x 12 inches.
- Customers can choose covers, layout and design styles from dozens of templates.
- The 12 x 12-inch photo booklets hold from 10 to 270 photos.
- The 8.5 x 11-inch photo booklets hold from 10 to 378 photos.
- The 5 x 7-inch photo booklets hold from 6 to 90 photos.



- Customers use their own photos to create 5 x 7-inch greeting cards for holidays and special occasions.
- Easy-to-create cards make last-minute purchases a snap.
- Customers can choose from a range of designs and can add up to five lines of personal text to cards.
- Envelopes are included.



- Customers can use their favorite photos to create personalized spiral-bound, 12 x 12-inch calendars in minutes.
- Calendars can include as few as 12 or as many as 100 photos and can start on any month.
- Customers choose from several ready-to-use designs.



- With the HP CD Expansion Kit, customers can create photo CDs for easy organizing and storage.
- Each photo CD includes HP Photosmart Essential software for easy organizing, editing, printing and sharing of photos at home.
- Retailers can offer index prints and premium jewel cases for easy storage and reference.



- With the HP Poster Expansion Kit, customers can easily create poster-size prints of digital photos in minutes.
- Customers can design posters using one photo or a collage of up to 50.
- Posters come in several sizes and design themes.



- With the HP Enlargement Printer Expansion Kit, customers can print 2.5 x 3.5-inch wallets, 5 x 7-inch and 8 x 10-inch photos.
- Prints can be personalized with themed borders and frames.
- Photo enlargements resist fading for generations.*

* Based on display-permanence rating by Wilhelm Imaging Research, Inc., using specific HP inks and photo papers.

Technical specifications HP Photosmart PS2000 Studio System

HP Consumer Station		
	HP CS 1700 Consumer Station	HP CS 1900 Consumer Station
Standard components	Touchscreen PC, HP Photosmart Studio software, CD/DVD reader, digital media drive, receipt printer	Touchscreen PC, HP Photosmart Studio software, CD/DVD reader, digital media drive, receipt printer
Digital input	Proprietary design supporting SD (incl SDHC), MiniSD, microSD, CF/MD, xD, MMC (incl v4.x), RS-MMC, MS/PRO/DUO and USB2	CompactFlash Type I/II, Memory Stick/Memory Stick PRO, Memory Stick PRO duo, SmartMedia, xD-Picture Card, SD, MiniSD, MMC, RS MMC, USB Flash, CD
Dimensions (W x D x H)	13.5 x 12 x 21.5 in. (34.3 x 30.5 x 54.6 cm)	19 x 16.3 x 21.4 in. (48.26 x 41.4 x 54.36 cm)
Weight	40 lb (18 kg)	81 lb (36.82 kg)
Power requirements	External, 250 W, 110 – 220V auto-select	110 – 240V autoranging, 10 A
Additional order stations (optional)	Up to 8 consumer order stations can be supported by the HP Photo Center	Up to 8 consumer order stations can be supported by the HP Photo Center

HP Fulfillment Station	
Standard components	HP Photosmart Studio software suite, HP Photosmart order management station, HP Photosmart Studio finishing equipment
Dimensions (W x D x H)	21.5 x 20.5 x 18 in. rack case (546.1 x 520.7 x 457.2 mm)
Weight	43 lb rack case (19.5 kg)
Power requirements	110 – 240V autoranging, 10.8 A

HP Studio Printer C7700C	
Printing technology	HP Color LaserJet
Paper size	12 x 11.69 in., 8.5 x 11 in., 7 x 9.5 in., prescored
Printer quality	HP ImageREt 4800
Print speed	Up to 40 ppm (letter) Up to 41 ppm (A4)
Dimensions (W x D x H)	22.8 x 25 x 27.7 in. (580 x 635 x 704 mm)
Weight	263.67 lb (119.6 kg)
Power requirements	110 – 127V (±10 percent), 50/60 Hz (± 2 Hz), 12 A 220 – 240V (±10 percent), 50/60 Hz (± 2 Hz), 6 A
Included accessories and supplies	HP Photosmart Studio creative software, calendar binder, two staplers—supplies ordered separately

Ordering information	
Product number	Description
CC147A	HP Photosmart PS2000 Studio System
Options and accessories	
Product number	Description
CG127A	HP CS 1700 Consumer Station
CC091D	HP CS 1900 Consumer Station
CC120A	HP Consumer Station Pedestal
CC091B	HP Consumer Station – additional units (19-inch only)
CC154A	HP Photo Center Print-to-Print Scanner • Scanning workflow software license • 1-year limited warranty
CG100A	HP Standard Film Scanner Expansion Kit • Pakon F135 film scanner • Scan PC with scan workflow software • 1-year limited warranty
CC157C	HP Enhanced Film Scanner Expansion Kit • Pakon F335 film scanner • Scan PC with scan workflow software • 1-year limited warranty
Supplies	
Product number	Description
CC165A	Studio Media Supplies Kit (required) • 11.69 x 12-inch paper (qty 800) • 8.5 x 11-inch paper (qty 1,250) • 7 x 9.5-inch paper (qty 1,600)
CC166A	Studio Media Supplies Kit (required) • HP white photo greeting card • Envelopes (qty 500) • HP white standard wire binding (qty 100) • Photo book covers (qty 25)

Technical specifications

HP Photosmart PS2000 Studio System

Ordering information (continued)

Print cartridges	Description
CB380A	HP Color LaserJet Black Print Cartridge
CB381A	HP Color LaserJet Cyan Print Cartridge
CB382A	HP Color LaserJet Yellow Print Cartridge
CB383A	HP Color LaserJet Magenta Print Cartridge
Media	Description
Q8930A	HP Color Laser Photo Album 7 x 9.5-inch
Q8931A	HP Color Laser Photo Album 11.69 x 12-inch
Q8932A	HP Color Laser Photo Album 8.5 x 11-inch
Supplies and accessories	Description
CB384A	HP Color LaserJet Black Image Drum
CB385A	HP Color LaserJet Cyan Image Drum
CB386A	HP Color LaserJet Yellow Image Drum
CB387A	HP Color LaserJet Magenta Image Drum
CB457A	HP Color LaserJet 110 volt fuser kit
CB458A	HP Color LaserJet 220 volt fuser kit
CB459A	HP Color LaserJet roller kit
CB463A	HP Color LaserJet transfer kit
CC112A	Greeting Card Envelopes (qty 500)

Photo books	Description	Photo books	Description
CE231A	HP Black Cloth 8.5 x 11-inch Photo Book	CE077A	HP Pool Blue Linen 11 x 8.5-inch Photo Book
CC175A	HP Black Cloth 11 x 8.5-inch Photo Book	CE070A	HP Silver Satin 11 x 8.5-inch Photo Book
CC176A	HP Black Cloth 12 x 12-inch Photo Book	CE071A	HP Graphite Satin 11 x 8.5-inch Photo Book
CC177A	HP Natural Cloth 11 x 8.5-inch Photo Book	CE051A	HP Black Leather 11 x 8.5-inch Photo Book
CC178A	HP Red Cloth 11 x 8.5-inch Photo Book	CE046A	HP Black Leather 12 x 12-inch Photo Book
CC179A	HP Navy Cloth 11 x 8.5-inch Photo Book	CE052A	HP Red Leather 11 x 8.5-inch Photo Book
CE064A	HP Black Linen 11 x 8.5-inch Photo Book	CE047A	HP Red Leather 12 x 12-inch Photo Book
CE060A	HP Black Linen 12 x 12-inch Photo Book	CE053A	HP Brown Leather 11 x 8.5-inch Photo Book
CE065A	HP Natural Linen 11 x 8.5-inch Photo Book	CE048A	HP Brown Leather 12 x 12-inch Photo Book
CE061A	HP Natural Linen 12 x 12-inch Photo Book	CE054A	HP Soft Pink Specialty 11 x 8.5-inch Photo Book
CE066A	HP Soft Pink Weave 11 x 8.5-inch Photo Book	CE049A	HP Soft Pink Specialty 12 x 12-inch Photo Book
CE062A	HP Soft Pink Weave 12 x 12-inch Photo Book	CE055A	HP Powder Blue Specialty 11 x 8.5-inch Photo Book
CE067A	HP Powder Blue Weave 11 x 8.5-inch Photo Book	CE050A	HP Powder Blue Specialty 12 x 12-inch Photo Book
CE063A	HP Powder Blue Weave 12 x 12-inch Photo Book	CE056A	HP Ivory Floral Leather 12 x 12-inch Photo Book
CE068A	HP Pearl Satin 11 x 8.5-inch Photo Book	CE057A	HP Brown Specialty with Tree 12 x 12-inch Photo Book
CE069A	HP Pearl Satin 12 x 12-inch Photo Book	CE058A	HP Baby Elephants 11 x 8.5-inch Photo Book
CE072A	HP Coral Linen 11 x 8.5-inch Photo Book	CE059A	HP Ivory Leather Embossed 12 x 12-inch Photo Book
CE073A	HP Sea Blue Linen 11 x 8.5-inch Photo Book	CE078A	HP Swoosh 11 x 8.5-inch Photo Book
CE074A	HP Taupe Linen 11 x 8.5-inch Photo Book	CE079A	HP Poppies 11 x 8.5-inch Photo Book
CE075A	HP Deep Red Linen 11 x 8.5-inch Photo Book	CC180A	HP Butterfly Print 11 x 8.5-inch Photo Book
CE076A	HP Olive Linen 11 x 8.5-inch Photo Book	CC111A	Wire binders (qty 100)

Technical specifications

HP Poster Expansion Kit (optional)

Choose from the following poster printers.

HP DesignJet 130NR Printer

Printing technology	HP thermal inkjet 6-ink technology
Paper size	24 in. x 50 ft. HP Premium Plus Photo Paper
Printer resolution	Up to 2400 x 1200 dpi
Print speed (Best)	B size: up to 6 min/page (glossy) D size: up to 17.5 min/page (glossy)
Dimensions (W x D x H)	41.3 x 20.5 x 8.7 in. (1049 x 919 x 221 mm)
Weight	50.7 lb (23 kg)
Power requirements	110 – 240V autoring, 2 A
Included accessories and supplies	HP Designjet 130NR printer, automatic roll feed, HP Jetdirect network card, power cord, printheads (6), print cartridges (6), input/output tray, drivers and documentation CD

Ordering information

Product number	Description
CC159A	Premium Poster Kit • Designjet 130NR Printer • Photosmart collage software • HP Premium Plus Photo Satin (24 in. x 50 ft.) • Poster bags (qty 1,000) • 1-year limited warranty

Options and accessories

Product number	Description
CC086A	HP Designjet 130NR Poster Printer Stand & Bin
CC163A	HP Print Trimmer, 20-inch
CC164A	HP Print Trimmer, 36-inch

Media

Product number	Description
Q1426A	HP Universal High-gloss Photo Paper (24 in. x 100 ft.)
Q5491A	HP Premium Plus Photo Satin (24 in. x 50 ft.)

Ink

Product number	Description
C9420A	HP 85 Cyan Printhead
C9421A	HP 85 Magenta Printhead
C9422A	HP 85 Yellow Printhead
C9423A	HP 85 Light Cyan Printhead
C9424A	HP 85 Light Magenta Printhead
C5019A	HP 84 Black Printhead
C9425A	HP 85 Cyan Ink Cartridge
C9426A	HP 85 Magenta Ink Cartridge
C9427A	HP 85 Yellow Ink Cartridge
C9428A	HP 85 Light Cyan Ink Cartridge
C9429A	HP 85 Light Magenta Ink Cartridge
C5016A	HP 84 Black Ink Cartridge

HP DesignJet Z3100 Printer

Printing technology	HP thermal inkjet, HP Vivara pigment inks, HP Quad-black ink set, HP Embedded Spectrophotometer
Paper size	All standard sizes larger than Letter/A4 up to 24 in./610 mm
Printer resolution	Up to 2400 x 1200 dpi
Print speed (Best)	15 min/page on D/A1* or up to 17 ft ² /h (color image on glossy paper) 9.8 min/page on D/A17 or up to 31 ft ² /h (color image on coated paper)
Dimensions (W x D x H)	Printer with stand: 49.7 x 26 x 41.2 in. (1262 x 661 x 1047 mm)
Weight	Printer with stand: 143 lb (65 kg)
Power requirements	Input voltage autoring 100 – 240V (+/- 10%), 50/60 Hz (+/- 3Hz), 2 A maximum
Included accessories and supplies	Spindle; printheads (6 x 2 colors); ink cartridges (12 x 69 ml); 12 high-gloss photo media sample roll (24 in. x 15 ft.); 24-inch stand; 24-inch rear tray; 3-inch spindle adapter kit, power cord and training

Ordering information

Product number	Description
CG001A	Premium Poster Kit • Designjet Z3100 24-inch Photo Printer • Photosmart collage software • HP Premium Instant-dry Satin Photo Paper (24 in. x 75 ft.) • Poster bags (qty 1,000) • 1-year limited warranty

Media

Product number	Description
Q7992A	HP Premium Instant-dry Satin Photo Paper (24 in. x 75 ft.)
Q8704A	HP Artist Matte Canvos (24 in. x 20 ft.)

Ink

Product number	Description
C9405A	HP 70 Light Magenta & Light Cyan Printhead
C9406A	HP 70 Magenta & Yellow Printhead
C9407A	HP 70 Photo Black & Light Gray Printhead
C9408A	HP 70 Blue & Green Printhead
C9409A	HP 70 Matte Black & Red Printhead
C9410A	HP 70 Gloss Enhancer & Gray Printhead
C9448A	HP 70 Matte Black 130 ml Ink Cartridge
C9449A	HP 70 Photo Black 130 ml Ink Cartridge
C9450A	HP 70 Gray 130 ml Ink Cartridge
C9451A	HP 70 Light Gray 130 ml Ink Cartridge
C9453A	HP 70 Magenta 130 ml Ink Cartridge
C9454A	HP 70 Yellow 130 ml Ink Cartridge
C9455A	HP 70 Light Magenta 130 ml Ink Cartridge
C9456A	HP 70 Red 130 ml Ink Cartridge
C9457A	HP 70 Green 130 ml Ink Cartridge
C9458A	HP 70 Blue 130 ml Ink Cartridge
C9459A	HP 70 Gloss Enhancer 130 ml Ink Cartridge
C9390A	HP 70 Light Cyan 130 ml Ink Cartridge

Technical specifications

HP CD/DVD Expansion Kit (optional)

HP CD/DVD Expansion Kit	
Output products	Photo CD/DVD, Photo CD/DVD with preview prints
Printing technology	Rimage 2000i, featuring HP thermal inkjet technology
Dimensions (W x D x H)	21 x 15.75 x 20 in. (53.3 x 40 x 50.8 cm)
Weight	58 lb (26.3 kg)
Power requirements	110 – 240V autoranging, 2.7 A
Included accessories and supplies	HP Photosmart Studio CD management software, 600 printable CDs and ink

Ordering information	
Product number	Description
CC160A	CD Expansion Kit • CD burner & disk printer (Rimage 2000i) • CD software • Printable CDs (qty 600) • HP ink • 1-year limited warranty
Supplies	
Product number	Description
CC791A	HP Compact Disk Package (Photo Center Basic)
CC113A	CD Media & Ink (600 CDs)
CG101A	HP Photo Center DVD-R 16x 4.7 GB (200 pack)
CC114A	CD Cases, Clear (100 cases)

Technical specifications

HP PM2000e Microlab Printer Expansion Kit (optional)

HP PM2000e Microlab Printer Expansion Kit	
Output products	4 x 6-inch and 5 x 7-inch prints, index print
Printing technology	HP thermal inkjet
Size	4 x 6 in. and 5 x 7 in.
4 x 6 printing speed	Up to 700 pph (5-second prints)
5 x 7 printing speed	Up to 300 pph (12-second prints)
Dimensions	30 x 33 x 32 in. (76 x 84 x 81 cm) Footprint: 6.875 sq. ft. Clearance requirements: add 10 in. W (8 in. left, 2 in. right), 2 in. D, 2 in. H
Weight	500 lb (227 kg)
Power requirements	120V, 15 A Optional uninterrupted power supply

Ordering information	
Description	
HP PM2000e Microlab Printer Expansion Kit • HP Photosmart PM2000e Microlab Printer • Workflow software license • 1-year limited warranty • See your salesperson for ordering details.	
Supplies	
Product number	Description
CG466A	HP Vivid Photo 4 x 6-inch Glossy (master carton)
CG465A	HP Vivid Photo 4 x 6-inch Matte (master carton)
Q8891A	HP Vivid Photo 5 x 7-inch Glossy (master carton)
Q8890A	HP Vivid Photo 5 x 7-inch Matte (master carton)
C5089A	HP 76 Black 775 ml Ink Cartridge
C5090A	HP 76 Cyan 775 ml Ink Cartridge
C5091A	HP 76 Magenta 775 ml Ink Cartridge
C5092A	HP 76 Yellow 775 ml Ink Cartridge
C5093A	HP 76 Light Magenta 775 ml Ink Cartridge
C5094A	HP 76 Gray 775 ml Ink Cartridge
	Aerosol Filter
	Input Air Filter
	Overspray Tray
	Cleaning Wipe
	Backprinter Wipe

Technical specifications

HP Enlargement Printer Expansion Kit (optional)

HP Photosmart Pro B9180 Photo Printer	
Output products	5 x 7-inch and 8 x 10-inch prints
Printing technology	HP thermal inkjet
Size	5 x 7 in. and 8 x 10 in.
Print speed ¹	5 x 7-inch: 1 min, 50 sec 8 x 10-inch: 2 min, 15 sec
Dimensions	26.5 x 16.9 x 9.5 in. (67.31 x 42.9 x 24.13 cm)
Weight	37.7 lb (17.1 kg)
Power requirements ²	100 ~ 240V (±10 percent), 50/60 Hz (±5 Hz), 1 A
Included accessories and supplies	HP Photosmart Pro B9180 Photo Printer, HP 38 Ink Cartridges (1 each photo black, matte black, light gray, cyan, magenta, yellow, light cyan, light magenta), HP Photosmart Premier and Essential software on CD, Quick Start booklet, User's Guide, power cord

Ordering information	
Product number	Description
CC156A	HP Enlargement Printer Expansion Kit • HP Photosmart Pro B9180 enlargement printer • Enlargement workflow software license • 1-year limited warranty
Ink cartridges	
C9412A	HP 38 Matte Black Pigment Ink Cartridge, 27 ml
C9413A	HP 38 Photo Black Pigment Ink Cartridge, 27 ml
C9414A	HP 38 Light Gray Pigment Ink Cartridge, 27 ml
C9415A	HP 38 Cyan Pigment Ink Cartridge, 27 ml
C9416A	HP 38 Magenta Pigment Ink Cartridge, 27 ml
C9417A	HP 38 Yellow Pigment Ink Cartridge, 27 ml
C9418A	HP 38 Light Cyan Pigment Ink Cartridge, 27 ml
C9419A	HP 38 Light Magenta Pigment Ink Cartridge, 27 ml
Printheads	
C9404A	HP 70 Matte Black/Cyan
C9405A	HP 70 Light Cyan/Light Magenta
C9406A	HP 70 Magenta/Yellow
C9407A	HP 70 Photo Black/Light Gray
HP photo papers	
Q8925A	HP Advanced Photo Paper, Glossy 5 x 7-inch (880 sheets)
Q8926A	HP Photosmart Platinum High Gloss, 8 x 10-inch (400 sheets)
Q8928A	HP Matte Photo Paper, 5 x 7-inch (4 pks of 880)
Q8929A	HP Matte Photo Paper, 8 x 10-inch (5 pks of 400)
Q7852A	HP Advanced Photo Paper, Glossy 8.5 x 11-inch (calibration paper)

Technical specifications

HP Operations Console (optional)

HP Operations Console		
Dimensions (W x D x H)	Enhanced Equipment Module	30 x 31.5 x 36.75 in.; with backslash: 12.5 x 36.375 x 36.75 in.
	Auxiliary Module	19 x 31.5 x 36.75 in.; with backslash: 19 x 36.5 x 36.75 in.
	Work Surface Module	12.5 x 31.375 x 36.75 in.; with backslash: 12.5 x 36.375 x 36.75 in.
	Printer Enclosure Module	30.25 x 21.7 x 12.875 in.
	Shelf Module	30.25 x 21.7 x 2 in.
Weight	Enhanced Equipment Module	240 lb (108.86 kg)
	Auxiliary Module	163 lb (73.94 kg)
	Work Surface Module	75 lb (34.02 kg)
	Printer Enclosure Module	72 lb (32.66 kg)
	Shelf Module	55 lb (24.95 kg)

Ordering information	
Description	
HP Operations Console	
• 90 day limited warranty	
• See your salesperson for ordering details.	

¹ Approximate figures dependent upon type and print mode. Exact speed will vary depending on the system configuration.

² Power requirements are based on the country/region where the product is sold. Do not convert operating voltages or use with other voltages.

Doing so might cause damage that would not be covered under HP's product warranty.

Base Solution Comparison

HP Photosmart PM2000e Microlab System	HP Photosmart PS2000 Studio System
Printer HP Photosmart PM2000e Microlab printer	HP Creative Printer
Consumer order station HP Consumer Station with 19-inch screen	HP Consumer Station with 19-inch or 17-inch screen
Fulfillment station HP Fulfillment Station (enhanced) <ul style="list-style-type: none"> • Modular Rack System • HP 19-inch TFT monitor • Secure router • SR IPSec base module • 24-port base module 	HP Fulfillment Station (enhanced) <ul style="list-style-type: none"> • Modular Rack System • HP 19-inch TFT monitor • Secure router • SR IPSec base module • 24-port base module
Labels <ul style="list-style-type: none"> • Order label printer • Order label rolls (2 rolls of 350 labels each) 	<ul style="list-style-type: none"> • Order label printer • Order label rolls (2 rolls of 350 labels each)
Finishing	<ul style="list-style-type: none"> • Photobook stapler • Heavy-duty staples (2,500) • Calendar binding system • Heavy-duty hole punch for creative calendar • Booklet stapler • Standard staples (5,000)
Training and documentation <ul style="list-style-type: none"> • HP Photo Center 1.0 Training and Documentation 	<ul style="list-style-type: none"> • HP Photo Center 3.0 system manual
Software licenses <ul style="list-style-type: none"> • Creative image-rendering software license • Creative engine and workflow software license 	<ul style="list-style-type: none"> • Creative image-rendering software license • Creative engine and workflow software license

© 2008 Hewlett-Packard Development Company, L.P. The information contained herein is subject to change without notice. The only warranties for HP products and services are set forth in the express warranty statements accompanying such products and services. Nothing herein should be construed as constituting an additional warranty. HP shall not be liable for technical or editorial errors or omissions contained herein.

To learn more about HP Photo Center, please visit www.hp.com/go/RPS or call (877) 275-1896.

Some options are not available in all countries. For option availability, ask an HP representative.

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EXHIBIT 16

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

POLAROID CORPORATION,

Plaintiff and Counterclaim-Defendant,

v.

HEWLETT-PACKARD COMPANY,

Defendant and Counterclaim-Plaintiff.

C.A. No. 06-738 (SLR)

HEWLETT-PACKARD COMPANY'S
SECOND SUPPLEMENTAL INITIAL DISCLOSURES

Pursuant to Federal Rule of Civil Procedure 26(a)(1)(A), Rule 26(e) and the Court's April 24, 2007 Scheduling Order, Defendant Hewlett-Packard Company ("HP") hereby provides its Second Supplemental Initial Disclosures. These Disclosures are based on information reasonably available to HP at this time and reasonably believed to be relevant to the claims or defenses in this lawsuit.

HP reserves the right to supplement and/or amend these disclosures, either through supplemental disclosures or through discovery responses that include additional individuals likely to have discoverable information as well as additional sources of documents in support of its claims or defenses. By making these disclosures, HP in no way concedes the relevance or admissibility of any of the foregoing information, nor does HP waive the assertion of any applicable privileges and/or other proper bases upon which such information and/or documents may be withheld as discovery continues.

1. Fed. R. Civ. P. 26(a)(1)(A)(i) Disclosure

a. The following individuals are likely to have discoverable information that Hewlett-Packard may use to support its claims or defenses in this action (excluding impeachment). Hewlett-

Packard's initial disclosures are based on the assumption that the accused technology is limited to those products using the LACE algorithm; i.e., not Retinex.

Any individual identified with an "Hewlett-Packard" notation is a present or former Hewlett-Packard employee. With respect to the current and former Hewlett-Packard employees listed below, each should be contacted solely through counsel of record for Hewlett-Packard.

By indicating the general subject matter of information that witnesses possess, Hewlett-Packard is not representing that this is the only relevant information that these witnesses possess; rather, these descriptions represent Hewlett-Packard's good faith efforts to identify the relevant information possessed by each witness at this time.

Individual (party affiliation and title if any)	Subjects of Information
David Berfanger (Hewlett-Packard software engineer)	non-infringing alternatives
Rhanjit Bhaskar (Hewlett-Packard software engineer)	development and implementation of accused technology; non-infringing alternatives
Julian Bullitt (Zink Imaging, Inc.)	implementation of the accused technology at Polaroid
Rob Cazier (HP camera engineer)	development and implementation of accused and alternative technologies
Michael Dansky (current affiliation unknown)	valuation of the accused technology
Eleanore Dogan (HP)	marketing of the accused technology
Deborah Finck (HP)	marketing of the accused technology
Paul Frederickson (HP software engineer)	development and implementation of accused technology; non-infringing alternatives
Robert Goldman (CRA International, Inc.)	valuation of the accused technology

Individual (party affiliation and title if any)	Subjects of Information
Steve Greer (HP business development)	negotiations between Polaroid and Hewlett-Packard regarding Opal and Onyx technologies
Ted Haasl-Martinez (HP software developer)	development and implementation of accused technology
Tamir Hativá (HP)	marketing of the accused technology
Susan Heminger (HP patent agent)	patent prosecution at Hewlett-Packard
Bradford Kullberg (Polaroid)	Polaroid bankruptcy, title to the patent-in-suit, Polaroid licensing practices
Choon Hee Lee (HP software engineer)	development and implementation of accused technology; non-infringing alternatives
Juli Lee (HP software project manager)	development and implementation of accused technology; non-infringing alternatives
Erik Lettang (HP ASIC designer)	development and implementation of accused technology
Donald Levinstone (current affiliation unknown)	named inventor of the patent-in-suit
Lori Lorenz (HP marketing manager)	marketing of accused technology
Jim Lyons (HP)	communications between HP and Polaroid
Gaetano Maccarone (current affiliation unknown)	Title to the patent-in-suit
Michael McGee (Hewlett-Packard finance)	sales of the accused technology
Charles Moore (HP attorney)	Communications between Hewlett-Packard and Polaroid
Nathan Moroney (Hewlett-Packard researcher)	development of LACE algorithms
Mark Niemann (Hewlett-Packard firmware specialist)	development and implementation of accused technology
Ronald Reiling (current affiliation unknown)	Polaroid licensing
Edward Roman (current affiliation unknown)	prosecuting attorney for the patent-in-suit

Individual (party affiliation and title if any)	Subjects of Information
Richard Schioldager (current affiliation unknown)	valuation of the accused technology
Mark Schneider (HP)	Hewlett-Packard's licensing practices
Troy Sechrist (Phanfare, Inc.)	marketing of the accused technology
Woo-Jin Song (current affiliation unknown)	named inventor of the patent-in-suit
Royal Spragg (HP)	marketing of the accused technology
Anand Srinivisan (Hewlett-Packard software design engineer)	development and implementation of accused technology
Carl Staelin (HP)	implementation of accused technology
Anton Tabar (Hewlett-Packard)	implementation of accused technology
Jay Thornton (Mitsubishi Electric Research Labs)	implementation of the accused technology at Polaroid

b. Pursuant to Paragraph 2 of the April 24, 2007 Scheduling Order, HP states that the above HP employees are likely custodians of electronically stored information relevant to this case.

Expert witnesses will be identified at a later date, consistent with the Scheduling Order in this case.

2. Fed. R. Civ. P. 26(a)(1)(A)(ii) Disclosure

In support of its claims or defenses to Plaintiff's claims (excluding impeachment), HP may use certain documents in its possession or control, including documents and information that fall within the following categories:

1. Documents concerning United States Patent No. 4,829,381 (the '381 patent), and documents pertaining to prosecution of the '381 patent.
2. Documents and things concerning and constituting prior art to the '381

patent.

3. Documents and things concerning the development of LACE algorithms.
4. Documents and things concerning the design, development and implementation of the accused products.
5. Documents and things concerning the structure, function, operation, and use of the accused products.
6. Relevant marketing documents.
7. Relevant sales documents.
8. Documents concerning Polaroid's allegation of willful infringement.
9. Documents concerning Polaroid's awareness of the accused products.
10. Documents rebutting any Polaroid contention of any secondary consideration of nonobviousness.
11. Relevant licensing documents.

Pursuant to Paragraph 2 of the April 24, 2007 Scheduling Order, to the extent that relevant electronically stored information exists, HP states that the likely relevant electronic systems that have been in place from December 5, 2000 include: custodian hard drives, offline media, online email, private network shares, public network shares, HP's internet servers and HP's intranet servers. HP's back-up tapes and other back-up media are not easily accessible.

Also pursuant to Paragraph 2 of the April 24, 2007 Scheduling Order, Don Duffy of HP is the individual responsible for retention of HP's electronically stored information.

Also pursuant to Paragraph 2 of the April 24, 2007 Scheduling Order, HP designates Matthew Bernstein of Fish & Richardson P.C. as HP's liaison for e-discovery in this case.

3. Fed. R. Civ. P. 26(a)(1)(A)(iii) Disclosure

Not currently applicable.

4. **Fed. R. Civ. P. 26(a)(1)(A)(iv) Disclosure**

HP is unaware at this time of the existence of any relevant insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment.

Dated: March 18, 2008

FISH & RICHARDSON P.C.

By: /s/ Bradley D. Coburn

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Attorneys for Defendant and Counterclaim-Plaintiff
Hewlett-Packard Company

CERTIFICATE OF SERVICE

I hereby certify that on March 18, 2008, I served a copy of the attached **HEWLETT-
PACKARD COMPANY'S SECOND SUPPLEMENTAL INITIAL DISCLOSURES** on the
following individuals in the manner indicated:

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/s/ Bradley D. Coburn
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EXHIBIT 17

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March 21, 2008

VIA EMAIL

Matthew C. Bernstein, Esq.
Fish & Richardson, P.C.
12390 El Camino Real
San Diego, CA 92130

Re: *Polaroid Corporation v. Hewlett Packard Company*
USDC-D. Del.-C.A. No. 06-738 (SLR)

Dear Mr. Bernstein:

I write in response to HP's Second Supplemental Initial Disclosures served on March 18, 2008. Polaroid objects to HP's untimely disclosure of David Berfanger and to the untimely disclosure of Rhanjit Bhaskar's, Paul Frederickson's, Choon Hee Lee's, and Juli Lee's knowledge of noninfringing substitutes. Polaroid will move to strike and/or preclude the testimony of these witnesses regarding noninfringing alternatives at the appropriate time.

Very truly yours,

/s/ Michelle W. Skinner

Michelle W. Skinner

MWS

cc: William M. Boyd, Esq.
Jack B. Blumenfeld, Esq.

EXHIBIT 18

REDACTED

EXHIBIT 19

REDACTED

EXHIBIT 20

REDACTED

EXHIBIT 21

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1 IN THE UNITED STATES DISTRICT COURT
2 IN AND FOR THE DISTRICT OF DELAWARE
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4 POLAROID CORPORATION, : Civil Action
5 Plaintiff and Counter- :
6 claim Defendant, :
7 v. :
8 HEWLETT-PACKARD COMPANY, :
9 Defendant and Counter- :
10 claim Plaintiff : No. 06-738-GMS
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Wilmington, Delaware
Tuesday, November 6, 2007
6:10 p.m.

12 BEFORE: HONORABLE SUE L. ROBINSON, U.S.D.C.J.

13 APPEARANCES:

14 JACK B. BLUMENFELD, ESQ.
15 Morris, Nichols, Arsht & Tunnell
16 -and-
17 GRAHAM C. GERST, ESQ., and
18 COURTNEY HOLOHAN, ESQ.
19 Kirkland & Ellis
20 (Chicago, IL)
21
22 Counsel for Polaroid

23 WILLIAM J. MARSDEN, JR., ESQ.
24 Fish & Richardson, P.C.
25 -and-
JOHN GIUST, ESQ., and
MATTHEW BERNSTIEN, ESQ.
Fish & Richardson, P.C.
(San Diego, CA)
-and-
BRADLEY D. COBURN, ESQ.
Fish & Richardson, P.C.
(Austin, TX)
Counsel for Hewlett-Packard

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1 THE COURT: Good evening.

2 MR. BLUMENFELD: Good evening, Your Honor.

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3 THE COURT: You are here, so I assume you didn't
4 work out all of your differences during my sentencing.

5 So I will let counsel for plaintiff start us
6 out, and see where we end up.

7 MR. BLUMENFELD: Thank you, Your Honor. Jack
8 Blumenfeld for Polaroid, along with Graham Gerst and
9 Courtney Holohan from Kirkland & Ellis.

10 We had split things up, so I was going to take
11 the first issue, and then Ms. Holohan and Mr. Gerst were
12 going to split up the second. But we did work out the first
13 issue, Your Honor. The first issue in our letter had to do
14 with a document that we asked to be returned, represented
15 that it was returned, and then it showed up at a deposition.
16 But we now have reached a resolution, and hopefully that
17 won't happen again and we won't be bothering you with that.

18 And with that behind us, I will turn to Ms.
19 Holohan to deal with, I guess it's Issue 2(a) in our letter.

20 THE COURT: All right, Mr. Blumenfeld.

21 MR. BLUMENFELD: Thank you, Your Honor.

22 MS. HOLOHAN: Good morning, Your Honor.
23 Courtney Holohan for Polaroid.

24 Your Honor, this is a straightforward reasonable
25 royalty case that was filed in December of 2006. The

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1 feature at issue is called adaptive lighting or digital
2 flash. And it has to do with digital image enhancement.

3 Not shockingly, given the reasonable royalty
4 case and the fact that there is a single feature at issue,
5 we as the plaintiff are seeking straightforward damages
6 documents related to simple revenue, unit, and sales
7 information for HP products and software that include this

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8 feature in the case, this adaptive lighting or digital flash
9 feature.

10 We are also seeking consumables or conveyed
11 sales damages information, which in this case we understand
12 boils down to paper and ink.

13 Damages document discovery by this Court's order
14 was to have been completed by August 31st of this year.
15 weeks ago, after much back-and-forth, HP finally agreed to
16 produce the damages information we seek, and then some.
17 Actually, on October 22nd, they agreed specifically in
18 writing to produce U.S. unit numbers, revenue numbers, bills
19 of material, and product specifications for every HP camera,
20 scanner, printer, and consumer PC, and also profit and
21 pricing information and conveyed sales related information.

22 As a result of this specific promise, at which
23 time HP never raised any bifurcation issues, they promised
24 to produce these things, we put off the, postponed the
25 hearing that we had scheduled with the Court.

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1 Despite that agreement, we have not been able to
2 get a date certain for when we will get the straightforward
3 discovery. And instead today, hearing about it yesterday
4 for the first time in this whole case, today we received a
5 brief, asking, frankly surprisingly, to bifurcate this case
6 between liability and damages, and to somehow stay discovery
7 that has been going on since May. And that was supposed to
8 have been completed for documents in August, and that closes
9 for fact discovery in February.

10 The basis for this motion to bifurcate is
11 related exactly to the issue I am talking about now, which

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12 is HP contends that they are shocked by the damages
13 documents they agreed to produce on October 22nd because
14 these are brand-new. That is not correct.

15 From the outset of this case, when we filed it
16 in December of 2006, we have specifically accused products
17 from HP which employ adaptive lighting and digital flash.

18 After receiving this complaint, HP did not ask
19 to bifurcate this. During the 26(f) conference in the
20 spring, when the parties were to have specifically discussed
21 whether discovery should be conducted in phases, HP never
22 raised bifurcation.

23 The parties in April and then again in August
24 agreed on a specific schedule. And HP never raised
25 bifurcation, and instead agreed specifically in both

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1 schedules that the parties would have discovery on the
2 extent of Polaroid's damages and any limitations to such
3 damages.

4 Consistent with this schedule, in May and August
5 and July and June, all from the spring to the summer, we
6 asked specific requests, which I am happy to either hand up
7 to the Court or just provide a few examples, related to the
8 damages discovery we asked for today, and to which HP agreed
9 on October 22nd.

10 We ask that those documents be produced now,
11 consistent with our request, and that damages and liability
12 discovery can be bifurcated at this point. Discovery is so
13 intertwined, depositions have been taken on damages issues.
14 And we simply request that the documents be produced that
15 should have been produced two months ago, to which the
16 parties agreed on October 22nd, we wrap up discovery, and

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17 move on toward trial.

18 THE COURT: Thank you. Let's hear from counsel
19 on that issue.

20 MR. MARSDEN: Thank you, Your Honor. William
21 Marsden from Fish & Richardson for Hewlett-Packard. I have
22 with me today Matt Bernstein, John Giust, and Bradley Coburn
23 from my firm. I may call on Mr. Bernstein from time to time
24 when we get into the details of some of these categories.

25 I thought we were here to talk about the

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1 specific categories of documents that are set forth in their
2 letter. And it is true that there is a problem that arises
3 right out of the box with 2(a). The problem is this, Your
4 Honor.

5 what they have asked for, there is unit,
6 revenue, profit, price, and specification information for
7 each of the accused products. And we actually tried to
8 engage them in some conversation out in the hall about this.

9 The adaptive lighting feature that counsel
10 referred to is implemented through software, and
11 particularly through source code and a particular algorithm.

12 In the HP products, adaptive lighting has been
13 done with a software called LACE, and it has also been done
14 with a software called Retinex. Early on in this case we
15 provided source code for both, and understood, after
16 Polaroid's examination of both types of source code, that
17 they were not accusing Retinex of infringement. And, in
18 fact, when we received their contention interrogatory
19 responses in the summer, they did not accuse Retinex, and
20 the only products that they have listed as accused are

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21 products that we identified as using LACE.

22 So based on that, Your Honor, we have provided,
23 in fact, all of the information they have asked for here,
24 unit, revenue, price, and specification information for
25 those accused products as we understood them, the products

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1 that use LACE. In fact, to the extent Retinex has come up
2 at all in the last several months, when they pushed for
3 information on that, they pushed for it in the context of it
4 being relevant to noninfringing alternatives. Yet now what
5 I think we are hearing -- and this is news to us, it was
6 news to us when we heard it a week or so ago -- is they want
7 all of this information for Retinex as well, which we
8 understood not to be accused of infringement.

9 Closely related to that, Your Honor, their
10 requests have been actually quite a bit broader than that.
11 When we started to get into this convoyed sales issue, that
12 is also a new development in the case. It's not something
13 they had clearly articulated to us before.

14 As you might expect, a company like
15 Hewlett-Packard makes more than just printers and printer
16 drivers. We make scanners. We make cameras. We make many,
17 many things. And we understood them to now be requesting
18 this same kind of information, unit, revenue, price
19 information, et cetera, for those products as well that are
20 sold with what they consider to be the accused products.

21 If that is what we are talking about, Your
22 Honor, we are talking about increasing the discovery in this
23 case by an order of magnitude. If that is where we are and
24 if that is what they want to do -- it is true that October
25 22nd, we offered and said, if that's what you want, we can

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1 collect all that information, but it's going to take a long
2 time for us to gather it, review it, and produce it, and if
3 you are really serious about this, we will have to consider
4 other ways to preserve the schedule.

5 We did file a motion similar, to Your Honor, on
6 bifurcation and stay of damages. I know it is not your
7 normal practice to stay damages discovery. I don't want to
8 argue that motion, because, obviously, they haven't had an
9 opportunity to respond. But we have put that out there as a
10 potential solution to this problem, if they are serious
11 about pursuing this very aggressive conveyed sales argument
12 and asking for the kind of detailed information for
13 nonaccused products that we have already provided with
14 respect to the accused products.

15 I think that that addresses 1 and 2.

16 My understanding of 2(3), the request for a
17 verified written response, is that we are going to provide
18 that. So I think that issue is resolved. But I will let
19 counsel address that.

20 Similarly, Item 4, surveys, we have produced
21 some, and we have gone back and looked. And we believe
22 there may be a few more to produce. And we will produce
23 them as soon as we are able to locate them.

24 No. 5, we are not sure what this is about, Your
25 Honor. We have, in fact, produced sales forecasts. The

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1 patent in suit expires in five months. We are not sure what
2 current sales forecasts it would be relevant to in this

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3 case, but I believe we have produced sales forecasts for
4 past periods that might be relevant, for example, in a
5 reasonable royalty analysis at the time of the negotiation.
6 If they believe there are some gaps in that and want us to
7 take another look, we will certainly do that. But we have
8 produced sales forecasts.

9 I will just turn briefly to the -- actually, I
10 guess I won't, since they haven't addressed Item (b) yet.
11 The primary dispute, Your Honor, is with respect to A(1) and
12 (2), as I understand it. And the reason for the dispute
13 there is we have, in fact, provided the very information
14 that they have requested, unit, revenue, profit, price, and
15 specification information for what we understood to be the
16 accused products. And that was all of the products that HP
17 has made and sold that used LACE. And that has included
18 printers, it has included some cameras, it has included some
19 other products. That was our understanding of how we were
20 proceeding in the case based on the meet-and-confers we have
21 had and their contention interrogatory responses.

22 If we are now talking about something much
23 broader, then some adjustment would need to be made to the
24 schedule. And our suggestion would be to bifurcate and stay
25 the damages and get on with the merits of the case on

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1 liability.

2 THE COURT: A couple questions before I have
3 counsel for Polaroid stand up again.

4 As I understand it, the first question that I
5 need to ask plaintiff's counsel is, what are the accused
6 products vis-a-vis the software?

7 MR. MARSDEN: Yes, Your Honor.

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8 THE COURT: And the second question I have to
9 ask, and I will ask you first, if, in fact, the plaintiff is
10 seeking the same kind of detailed damages information about
11 convoyed sales as they are about the accused products, once
12 we figure out what the accused products are, based on your
13 representation that that is going to complicate the
14 discovery in an order of magnitude, I think was what you
15 said, is it at all reasonable not to bifurcate the
16 reasonable royalty damages -- well, can a damages case be
17 presented and only the convoyed sales part of it be
18 bifurcated, or is it an all-or-nothing proposition?

19 I don't think I have ever really had a
20 full-blown test -- and anymore I have got such little trial
21 time that half the time we don't get to damages. But I
22 don't generally bifurcate in the discovery. I don't know
23 that I have had a full-blown convoyed sales aspect to my
24 cases, at least I can't remember.

25 MR. MARSDEN: Yes, Your Honor. It is an

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1 excellent question. Of course, there is an element under
2 Georgia-Pacific that talks about whether there are convoyed
3 sales, which is, of course, I think a separate inquiry. And
4 frankly, we have asked for their damages contention. And we
5 don't have a clear answer, to when they say convoyed sales,
6 are they talking about it just as the one factor under
7 Georgia-Pacific, or are they talking about actually coming
8 in and asking for a percentage of our sales of paper and
9 ink, et cetera?

10 I don't know the answer to that. I think it
11 would be very hard to bifurcate just that piece of it.

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12 I should also mention, Your Honor, that we have
13 provided not only this detailed information about the
14 accused products, but we have provided summaries.

15 One thing I neglected to mention, a lot of this
16 software ships free on an a CD with other products, and we
17 don't track that internally in the ordinary course of
18 business. We have attempted to provide our best estimates
19 to them of how many of those units might have been shipped.

20 But again, if they want us to go in and really
21 try to establish a number in detail, the only way to do that
22 is with something called these billed materials documents,
23 which are sort of a list, as I understand it, of everything
24 that might have been in a box, and going through that kind
25 of an exercise, which would be extraordinarily burdensome.

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1 Again, that was a part of what we offered in
2 October: If you really want this, we can collect this stuff
3 and we can review it and produce it to you, but it's not
4 kept in the ordinary course of business and it will take a
5 lot of time to collect and produce, and to gather this
6 information.

7 THE COURT: All right. Thank you.

8 MS. HOLOHAN: Your Honor, to be clear, these
9 requests, again, are not new. We asked specific requests in
10 May.

11 THE COURT: Frankly, it's too late in the day
12 for me to go back and regenerate the dispute. What I need
13 are answers. The first is, I would like you first to
14 address whether there is some confusion about which products
15 are accused and which are not vis-a-vis the software.

16 MS. HOLOHAN: Your Honor, LACE is definitely
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17 accused. As we made clear in interrogatory, it is at least
18 LACE.

19 However, we asked a request for Production No.
20 13, and we asked for related source code for this feature,
21 this adaptive lighting or digital enhancement feature. We
22 did not receive the code that we now know exists from other
23 documents, which is TACE, ACE and SOSA.

24 So we have not received that code. So we do not
25 know at this point if that infringes.

13

1 As far as Retinex goes, that is possibly a
2 noninfringing substitute that HP will argue is relevant to
3 this case. And we have not gotten an agreement from them
4 that they will not rely on it.

5 So the damages information that we are
6 requesting is actually not overbroad, and is very
7 straightforward. It's simple revenue, unit, and sales
8 information related to products that have this feature in
9 it. And it's really relevant for four reasons.

10 THE COURT: I am confident it's relevant. The
11 question is whether the amount of information you have asked
12 for is so burdensome that the damages part is, the tail is
13 wagging the dog, that this is such a burdensome request, if
14 you are asking, if you are truly asking for all of this
15 information on all five of these, on all products that use
16 all five of these software programs, I am not sure I have
17 the right --

18 MS. HOLOHAN: Your Honor, we are not sure they
19 divide it up that way, because we don't have a list.
20 Although we have talked about that in discovery, we don't

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21 have a list lining up the products with which code is
22 incorporated by the products.

23 The reason that this is not overbroad is really
24 twofold. Number one. They have not produced all relevant
25 unit sales related to the specific LACE products. And we

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1 have asked them time and time again to give us Bates numbers
2 of what they are referring to is relevant.

3 We have some revenue figures, some historical
4 figures. But we don't have all of simple unit, revenue, and
5 sales information, for even the products that they agree are
6 accused.

7 The fact that summaries of software that gets
8 distributed is not tracked is directly inconsistent with
9 their own 30(b)(6) witness, who said she did believe it was
10 tracked.

11 So even if we just take the first issue, which
12 is, we all agree, LACE is accused, we do not believe that we
13 have all of the unit sales and revenue information on those.

14 THE COURT: And with respect to -- again, it's
15 late in the day, and all I want to do is make some progress,
16 because I don't think it makes sense to issue a blanket
17 statement that a party can live up to. So you are saying
18 that with respect to the LACE, the products that use the
19 LACE software --

20 MS. HOLOHAN: Exactly, Your Honor.

21 THE COURT: -- that you do not have or at least
22 you can't identify damages documents relating to that. Is
23 that what you are saying?

24 MS. HOLOHAN: That is true. At least as far as
25 we have been able to track, and we have found some numbers,

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1 and we have asked HP to provide the Bates numbers for what
2 they are relying on for the fact that every single LACE
3 product has been accounted for as far as damages
4 information. And we have not received that.

5 THE COURT: Well, it seems to me that, before we
6 get into the even more complicated issue of convoyed sales,
7 that we need to decide what are the accused products. So
8 let's set damages aside first.

9 It seems to me as though you all are having
10 difficulty with source code and making sure that we have
11 identified the accused products. It seems to me as though
12 damages can't go forward without having some products,
13 without having a finite set of accused products.

14 So let's move on.

15 If, in fact, as it would indicate to me under
16 2(b), there are some issues about deciding which products
17 are accused in the first instance, let's move on to that and
18 come back to the damages. Okay? Because I think damages is
19 the tail, not the dog. And I want to make sure we have got
20 the liability case kind of set in stone.

21 Is someone else going to talk about B?

22 MS. HOLOHAN: Yes, Your Honor, my colleague,
23 Graham Gerst, is going to.

24 THE COURT: Thank you.

25 MR. GERST: Your Honor, Graham Gerst on behalf

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1 of Polaroid.

2 what we are seeking on the liability side of

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3 this case is straightforward. And again -- it's
4 straightforward. We are seeking three things. The first is
5 complete versions of the source code, and I will run through
6 those in a moment. We are also seeking product development
7 documents. And finally, we are seeking product manuals.
8 Each of these categories of documents are fundamental to
9 determine the issue of infringement.

10 Your Honor asked about what the accused products
11 are. Our infringement contentions to date have specified
12 LACE, products that use LACE. That could be products where
13 LACE is included in the firmware, it could be products where
14 LACE gets sold as a CD that gets shipped with the product in
15 the box. Sometimes LACE is included in the firmware or
16 actually in the device itself. Sometimes it's sold and
17 provided with a CD that ships in the box, as Mr. Marsden
18 said.

19 Those products are clearly and undisputably
20 infringing products.

21 So in terms of the LACE source code, we
22 originally received snippets.

23 HP contends that we have the complete LACE
24 source code. But, Your Honor, what we don't have is the
25 full source code -- LACE is just a module in the larger body

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1 of the source code. In its noninfringement contentions, HP
2 has argued that they don't know how and when this particular
3 module gets activated. For that reason, we certainly need
4 the full body of the code to know when this module is
5 reached. These modules call and are called by other parts
6 of the software code. And right now we don't have the
7 complete body of code that incorporates LACE.

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8 That is the LACE issue.

9 There are other types of software keyed that we
10 are also seeking. The first is ACE, and TACE, and SOSA.
11 Those are three that I will put out there.

12 These are pieces of code that, in the initial
13 stage of the case when the parties were negotiating, these
14 were types of code that HP never identified as existing. We
15 have discovered that they exist during the course of HP's
16 production and during the course of depositions. We don't
17 have the code yet to evaluate whether or not those products,
18 products that incorporate that code, actually infringe.
19 That is why we need that code.

20 Finally, Your Honor, there is the Retinex code.
21 And this is code which we have not contended to date
22 specifically infringes. However, it is a code related to
23 it, and is something that HP still refuses to produce,
24 although they refuse to agree that it could not be a
25 noninfringing substitute. And if they do turn around and

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1 argue it is a noninfringing substitute, we have to be able
2 to evaluate its effectiveness. So that's something that we
3 need the Retinex code for.

4 Those are the types of code, Your Honor, that we
5 are seeking and the reasons why we are seeking them.

6 Moving to product development documents --

7 THE COURT: That is routine. And generally,
8 they are relevant. Is the issue which products, or is the
9 issue something more sinister?

10 MR. GERST: In terms of product development
11 documents and product manuals, we just don't have product

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12 documents or anything that appears to be comprehensive for
13 the products that are at issue here. And for product
14 manuals -- and I could essentially go through them and
15 provide a list of the production for which we do not have
16 product manuals. We just don't think we have the documents
17 in those categories.

18 THE COURT: Now, when you talk about product
19 manuals, you are talking about the actual devices that
20 incorporate the software? I am not sure what you mean.
21 What is the product here? The software or the device?

22 MR. GERST: Your Honor, when HP sells a printer
23 or a scanner or an all-in-one, there is a manual that goes
24 along in a box. And it tells the user how to work the
25 product. In addition, sometimes there is a CD that gets

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1 shipped with that product. And I don't know, there may or
2 may not be a manual that goes along with that CD when they
3 sell it separately. But if there is, we would certainly
4 like to see it.

5 So to the extent that there are manuals telling
6 users how to make use of these products, whether it is sold
7 separately as software, whether it is provided as a separate
8 CD or whether it goes and gets shipped in the box, those are
9 the manuals that we are seeking.

10 THE COURT: But again, you are talking about the
11 devices? The devices that incorporate the software, I take
12 it it's the software that the patent speaks to. I haven't
13 reviewed this patent.

14 MR. GERST: Yes, Your Honor. It is the code
15 that performs digital image enhancement. And the code can
16 be in the device itself or it can be shipped separately as a

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17 CD.

18 THE COURT: Thank you. Let's hear from Mr.
19 Marsden, HP, in terms of getting a finite list of accused
20 products.

21 MR. MARSDEN: I will try to speak to that, Your
22 Honor. Let me start with B(i), the source code that they
23 say they do not have. In fact, they have all of the source
24 code. I am not sure what the basis for the confusion is.
25 The only one that was produced recently was TACE, and that

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1 was produced recently only because they only asked for it
2 within the last month.

3 They have ACE, that was produced, as I
4 understand it, back in September. They have had LACE, they
5 have SOSA, in fact, used it at a deposition, so they clearly
6 know they have it.

7 And they have had Retinex since back in March.

8 What we are hearing today is they don't have
9 the, quote-unquote, complete code or the full code.

10 With respect to Retinex, let me address that
11 first, it is true, we gave them the module back in March for
12 them to do the analysis of whether it performs this adaptive
13 lighting function that's accused. They asked for a bunch of
14 additional modules at a time when they had already
15 indicated -- or had not identified it as infringing. And we
16 said, no, our understanding is you are not accusing this of
17 infringement, so we are not going to produce all these other
18 modules at this time. And they didn't pursue that until we
19 heard about it here in the last week or, frankly, today.

20 If they want that, I think that can be produced

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21 to them. But it is not an accused product. We are not
22 abandoning an argument that it's a noninfringing
23 alternative. If they want it under those circumstances, we
24 can provide that to them.
25 With respect to not having a full copy of the

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1 LACE code, that's also new to us, at least in terms of them
2 specifically requesting additional pieces of the code. We
3 are happy to look at that and work with them to try to
4 produce whatever other pieces of it they believe they need.
5 But we have produced all of this code. We believed we had
6 produced the relevant portions that are going to be germane
7 to the assessment of whether or not there is infringement.

8 So there is a little bit of ships crossing in
9 the night, Your Honor, and I don't have a full explanation
10 for that.

11 In terms of the manuals. It turns out, Your
12 Honor, that there are actually 250 accused products, just
13 using our understanding of the products that are accused are
14 those that use LACE. It turns out there are 250 HP products
15 that use LACE.

16 Now, we have provided manuals and guides and
17 data sheets and specifications for the software itself and
18 any time it's specifically called out. We have not
19 produced, and we don't think it would be reasonable for us
20 to produce, product manuals and guides for every product
21 that HP makes or hundreds of products that HP makes, when
22 the dispute in this case is what happens in some source
23 code.

24 But we think, again, that we have provided the
25 relevant product manuals and guides that are relevant to the

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1 LACE software, which is what we understood to be the basis
2 for the accusation of infringement.

3 I am happy to try to address any other questions
4 Your Honor has on that.

5 THE COURT: I don't have any questions. I am
6 interested in hearing the response of Mr. Gerst.

7 MR. GERST: Certainly, Your Honor. With all due
8 respect to Mr. Marsden, we do not have the complete code for
9 these products. For example, what they contend they have
10 produced for ACE and TACE are incomplete portions that make
11 calls outside of that particular module, and we just don't
12 have it.

13 THE COURT: So let me see, you are asking for
14 the complete -- well, I am not sure I understand, each of
15 these, TACE, ACE, LACE, is a software program?

16 MR. GERST: It is a module within a larger
17 software program, Yes, Your Honor.

18 THE COURT: What is the large software program?

19 MR. GERST: We don't have the names for it. But
20 it's a software program that this module is incorporated in,
21 that makes calls to it when the user seeks to engage the
22 adaptive lighting. So in other words --

23 THE COURT: What is the inventive aspect that is
24 at issue?

25 MR. GERST: The inventive aspect that is at

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1 issue is a method and apparatus for enhancing contrast,
2 enhancing the image by changing, varying the contrast within

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regions of the images.

4 THE COURT: Does it matter why someone knocks on
5 the door and says I want to use this software or does it
6 only matter how the software to enhance this adaptive
7 lighting feature actually works?

8 MR. GERST: Your Honor, that is what we believe.
9 But in its noninfringement contentions, HP contends that it
10 doesn't know when these particular aspects, these particular
11 modules, get used or applied. And therefore, the products
12 therefore don't necessarily infringe, because these modules
13 may or may not get used.

14 So we believe that we need the code. It sounded
15 like Mr. Marsden was willing to provide the code, the
16 complete code suites that these modules go into. If he is
17 willing to do that and we can get a date certain for him to
18 produce it, we may be able to avoid this, Your Honor. I may
19 have misunderstood him. I thought that is what he was
20 saying.

21 With respect to the manuals, Your Honor, again,
22 if their contention is that they don't know how these things
23 get used or when these things get used, the manuals will
24 demonstrate how a user should make use of these particular
25 modules, how a user should use the particular algorithm,

24

1 what the user needs to do to make that happen.

2 THE COURT: Well, this is my concern. I am
3 concerned that discovery is starting to get larger than the
4 case I have time for. If, in fact, one software program,
5 LACE, has relevance to 250 products -- I just don't know
6 what we are going to do with all this information in terms
7 of actually trying this case. Is there any way we can --

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8 well, it seems to me as though the source code is the most
9 important thing. And that, I guess, regardless of what the
10 manuals say, if the source code doesn't provide for, doesn't
11 have any relevant -- well, does the source code have to have
12 the information?

13 In other words, it doesn't matter what the
14 product manual says, if the source code doesn't provide for
15 activation of this particular module, any promises made in
16 the manual don't make any sense?

17 I am sorry, I am really tired. I have been at
18 it since 8 this morning.

19 Is the source code the most important, critical
20 evidence in terms of how and when these features are used?

21 MR. GERST: Yes, Your Honor.

22 THE COURT: Then let's just focus on the source
23 code for the moment. And we will again set aside the paper,
24 the product manuals, et cetera, once you have a better idea
25 of how the source code works. If the source code doesn't

25

1 answer your questions, then we will have another meeting
2 about the paper. All right?

3 Mr. Marsden, if, in fact, your defense is, these
4 products might not ever get used and we don't know when they
5 are used, then I would presume that it's appropriate to have
6 all the source code given to plaintiffs for their review.

7 MR. MARSDEN: Let me speak to that briefly. I
8 don't know whether Mr. Giust, who is really our source code
9 expert, has anything to add to this.

10 It actually turns out it is a particular
11 algorithm within the source code. It is even narrower than

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12 the source code. That algorithm is either there or it
13 isn't. The stuff we have given them already we believe
14 gives them the information they need to know about whether
15 the algorithm is present or not.

16 My only concern, Your Honor, is I am not an
17 expert enough in the software side to know when they say the
18 full source code or the source code suite what they are
19 referring to. I think we are happy to work with them to get
20 them, even if it is arguably relevant to positions we have
21 taken, that this particular module may or may not be called.
22 And I don't know if Mr. Giust wants to add to that briefly,
23 just to enlighten us all as to how source code works.

24 THE COURT: I am not sure that at this point in
25 time I am going to be particularly receptive to

26

1 understanding it. I think, though, that what we need to do
2 is have another meeting so we can have a more focused
3 discussion, and have that meeting within two weeks, and have
4 you bring -- if you haven't reached agreement on what source
5 code is appropriate and necessary to meet the defendant's
6 representations, then you each need to meet to bring your
7 people who can specifically try to explain to me what the
8 specific difference is.

9 I really don't think anyone is prepared to do
10 that this evening. And I am certainly not. I think I am
11 too tired to make any sense of it.

12 So this is where I stand with respect to
13 Polaroid's issues. No. 1, I think the first thing we need
14 to do is identify the accused products before we start
15 worrying about convoyed sales or damages or anything else.
16 I think the key to that is source code.

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17 So I am going to look at my calendar and try to
18 find some time for you. Quite frankly, I don't have a lot
19 of time. I am going to give you a little less than two
20 weeks. Monday, November 19th at 5:00, I have got a pretrial
21 in a criminal case at 4:30. Usually they don't take longer
22 than half an hour. I hope you are not waiting out in the
23 hall for an hour.

24 By that time, if you have reached agreement on
25 the source code, then I don't think we need to meet. I

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1 think we will need to meet next after the plaintiff has had
2 the opportunity to review the source code, and has a better
3 idea of what the accused products are.

4 MR. MARSDEN: May I ask, Your Honor, with
5 respect to that, assuming we work out the source code or we
6 sort it out with Your Honor on the 19th, and hopefully we
7 won't trouble you with that, can we get a date for them to
8 then supplement their infringement contentions to let us
9 know if they are accusing any additional products based on
10 their review of this source code? Whether that's two weeks
11 after we have produced it to them or whatever period they
12 think is reasonable.

13 THE COURT: Well, it could be we need to at
14 least talk on the phone on the 19th regarding this. I just
15 as soon wait until there has been source code and a review
16 to move to the next step. Certainly, it seems to me that if
17 there are any damages documents relating to LACE, those need
18 to be produced. And I have to admit that at this point I am
19 not sure, Ms. Holohan, whether you believe there were still
20 some damages documents that hadn't been produced with

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21 respect to at least that one product.

22 MS. HOLOHAN: Your Honor, we do not believe they
23 have all been produced. And we have asked HP to give us
24 Bates numbers, because they have mentioned in a letter or
25 two they have produced for all of the products in

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1 Interrogatory 15. We have not been able to make heads nor
2 tails of the documents they have provided. They are not
3 your standard accounting unit, relative, price, profit
4 documents.

5 THE COURT: All right. Well, by the 19th I
6 think that needs to be addressed in terms of identifying
7 specifically what documents relate to the LACE product unit,
8 revenue, product, price, and specification information.

9 MR. MARSDEN: Your Honor, we will be happy to do
10 that. And I don't know if we are ready to move on to our
11 few topics. We will try to keep it very short. It is
12 actually a related request.

13 In our case, we feel it's a little bit more of a
14 challenge because we have received 7 million pages, which
15 don't appear to be organized in any particular way. So
16 finding some of the documents that they have told us have
17 been produced has been difficult for us.

18 We have some upcoming depositions for which it
19 would be very helpful if they would identify for us by Bates
20 range where these documents can be found. And there are
21 only three or four categories, Your Honor. I will just list
22 them.

23 In response to our Interrogatory No. 12, which
24 asked for their damages contentions, they referred to a
25 number of documents and categories of documents that they

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1 said supported their damages claim. One of those was
2 Polaroid patent licenses. We asked them to identify where
3 in their production we can find those.

4 Another was Polaroid documents related to
5 pre-suit communications between the parties. We would ask
6 for them to identify where in their production we can find
7 those.

8 They referred to Polaroid financial information
9 in very general terms. We are not sure what that means or
10 what portion of their production we should be looking at for
11 that. And we are not at this point, Your Honor, obviously,
12 looking for their damages expert type analysis. We just
13 want to know where this information can be found in the
14 production they have made to date.

15 And then finally, they referred to third-party
16 articles describing features of HP's products, presumably
17 they had some particular articles in mind and they are in
18 their production. And again, rather than us trying to find
19 a needle in a haystack, if they can provide us with that
20 Bates range, it would be most helpful.

21 And then lastly, Your Honor, there is, for the
22 witnesses that are being produced, we haven't been able to
23 see a pattern of, this looks like it came from this
24 individual's file and this looks like it came from another
25 individual's file.

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1 So what we would like to do is have them
2 identify for each of these witnesses that are being produced

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3 the range of documents that came from their files, so that
4 we can make sure that we have looked at the right documents
5 when we depose them.

6 And lastly, Your Honor, there is a Polaroid
7 software distribution agreement with a company called
8 ArcSoft (phonetic). And we have received an unexecuted
9 version of that agreement. But we have asked for an
10 executed copy, and we have not received it.

11 So those are the issues we would like to have
12 addressed.

13 THE COURT: All right. Mr. Gerst.

14 MR. GERST: Yes, Your Honor. Let me just run
15 through.

16 With respect to the damages contention
17 interrogatory and identifying Bates ranges for the various
18 categories Mr. Marsden spoke about, we are happy to provide
19 the Bates ranges for those various documents.

20 For his request about identifying the range,
21 Bates range of documents produced from various witness
22 files, Your Honor, if this is something that they want to
23 make a mutual agreement on, that for each witness we will go
24 ahead and provide an exchange of that information, that is
25 certainly something we can discuss with them. And it might

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1 very well be something we are amenable to doing, if that
2 would be mutual.

3 Finally, Your Honor, in terms of the ArcSoft
4 agreement, HP has refused to produce any license agreements
5 unless those license agreements involve the license to a
6 patent. The ArcSoft agreement that he is speaking about is
7 an agreement that doesn't involve a patent. It's a license

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8 to use and to sell particular software code. It's not a
9 patent license.

10 Again, what they are seeking is discovery from
11 us that they are unwilling to provide for themselves.

12 So, Your Honor, we don't believe we should be
13 compelled to provide that agreement. We don't believe it
14 is -- under their position, they don't seem to believe that
15 nonpatent licenses are relevant. And therefore, since they
16 are refusing to produce such documents, we don't believe we
17 should be compelled to do so.

18 THE COURT: All right. Mr. Marsden.

19 MR. MARSDEN: Your Honor, I should have said
20 also there is an Adobe software distribution agreement as
21 well, as I understand it. We do think it is relevant. I
22 mentioned earlier that sometimes this software is shipped
23 free in a box. This is a similar kind of an arrangement.
24 It relates to photo-editing software which is closely
25 related to the issues in dispute here.

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1 To the extent we may have withheld things in the
2 past of this nature, we are happy to revisit that and make
3 it a mutual exchange.

4 Similarly, with respect to identifying the files
5 or the range of Bates numbers for witnesses who are going to
6 be deposed, we are happy to work with them on that and
7 explore doing that on a mutual basis.

8 THE COURT: All right. That sounded easy. I
9 don't know whether it really was or not.

10 MR. BLUMENFELD: Your Honor, one other issue.
11 We did get this bifurcation/stay motion today. I think our

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12 response would be due right after Thanksgiving. Given Your
13 Honor's rulings today on source code, accused products,
14 damages, I really don't know that it makes any sense for us
15 to be responding to that motion right now. So it seems to
16 me that we ought to maybe just put that on hold until we get
17 a little further along.

18 THE COURT: I think that makes sense, unless
19 there is --

20 MR. MARSDEN: Your Honor, if I understood
21 correctly, I think you have essentially told us to focus for
22 the moment on the source code issues and the accused
23 products. So, in effect, we are going to put our energy
24 there. It does make sense to me, I guess, that we wait and
25 see where we are on the 19th. If we still have what we

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1 think is an unwieldy situation, we will ask you to consider
2 that motion.

3 THE COURT: All right. So on the 19th, we will
4 assume it's an in-court meeting, particularly if there are
5 disputed issues about the software and what needs to be
6 produced.

7 If that has been resolved, and the question only
8 is what the next step is, and you think we can handle that
9 over the telephone, if you both agree to it, I am happy to
10 handle it over the telephone and you just need to let my
11 staff know.

12 Is there anything else that we should address
13 this evening?

14 MR. BLUMENFELD: Just one thing that Mr. Marsden
15 said, which caused me just a little bit of concern. My
16 notes aren't that good. I thought that one of the things

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17 you said that Hewlett-Packard should do is on the LACE
18 products that have been identified, if there are damages
19 documents still out there, they should get them produced. I
20 wanted to make sure whether he said -- I understand they are
21 focusing on source code, but that that is still out there
22 and we ought to get that done.

23 THE COURT: I appreciate the whole issue of
24 making sure, if they have been produced, then, again, you
25 need to identify the Bates numbers so that it is helpful to

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1 both the parties and the Court to confirm that you have
2 actually produced it. All right?

3 MR. MARSDEN: Thank you, Your Honor.

4 THE COURT: Thank you very much, counsel.

5 (Conference concluded at 6:45 p.m.)

6 - - -

7 Reporter: Kevin Maurer

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EXHIBIT 22

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November 15, 2007

VIA EMAIL

Bradley D. Coburn, Esq.
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111 Congress Avenue, Suite 810
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Re: *Polaroid Corporation v. Hewlett Packard Company*
USDC-D. Del.-C.A. No. 06-738 (SLR)

Dear Mr. Coburn:

I write to again request that HP produce appropriate damages information.

On November 6, 2007, HP told the Court:

[W]e have provided, in fact, all of the information they have asked for here, unit, revenue, price, and specification information for those accused products as we understood them, the products that use LACE. . . . And the reason for the dispute there is we have, in fact, provided the very information that they have requested, unit, revenue, profit, price, and specification information for what we understood to be the accused products. And that was all of the products that HP has made and sold that used LACE. . . . I should mention, Your Honor, that we have provided not only this detailed information about the accused products, but we have provided summaries.

During the hearing, and later during our meet and confer discussion on November 8, 2007, HP agreed to provide the bates numbers of the damages information HP told the Court it had produced for all of the products listed in Interrogatory No. 15 -- including the historical and current sales, revenue, unit, price, bill of material, profit, and specifications for each product -- by Monday, November 12, 2007. Your letter of November 12, 2007 fails to provide this information.

For example, the documents you identify in your November 12, 2007 letter fail to reveal revenue information for approximately 100 products listed in Interrogatory No. 15. Even for the documents you do identify as containing revenue information for some of the other products

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listed in Interrogatory No. 15, the information is confusing and inconsistent at best. For example:

- The names of the products listed in the identified bates numbers do not coordinate with the names of the products listed in Interrogatory No. 15. For example, we have had to assume OfficeJet 4215 and 4215V (from the bates numbered documents HP 35725-35) would be encompassed in the OfficeJet 4200 Series (from Interrogatory No. 15). We have had to make similar assumptions to match up other products listed in Interrogatory No. 15 with HP's documents including assumptions related to code names.
- We have no revenue information for July, August, September and October.
- There are numerous blank entries, for which we have had to assume that HP did not offer the product for sale during these time frames, although it is not clear if that assumption is correct.

HP similarly failed to identify bates numbers for documents reflecting the unit sales for the vast majority of the accused products listed in Interrogatory No. 15.

HP's identification of a single document reflecting pricing information certainly does not indicate prices over time for each of the products identified in Interrogatory No. 15. To the contrary, HPPOL 1716865 appears to be conjured up for the purposes of litigation, and indicates that the "methodology" employed to do so was to "develop[] a Base cost model for each sku using the minimum and least expensive feature set for a given price point". At this point, the bates numbers you provided reflect the pricing of approximately only 6 of the accused products from Interrogatory No. 15.

You have also stated that HP does not track profit per product. It appears that HP does track gross margin for at least some of its products. We again ask that that information for each of the accused products is produced. If HP does not track gross margin for each product, what is the lowest level or grouping for which HP does track profit and/or gross margin? Please provide the information necessary to allow us to understand how each accused product is aggregated into the various profit groupings. As an example, for product HP PSC 2410, how would one determine internally at HP the profitability of this product?

Again, your objection to producing fixed and variable cost information per product makes no sense in light of your comments regarding HP's profit practices. We would like HP's standard cost information or cost information comparable to standard cost for at least the products listed in Interrogatory No. 15 so that we can calculate profit or gross margin. If this

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cost information is not available by product, what is the lowest level or grouping for which HP does track standard costs? What cost information is available by product?

You also did not identify bates numbers for the bill of materials and specifications for each product listed in Interrogatory 15, as you told the Court and us during our meet and confer discussion that you would.

In light of the fact that we need to get in touch with the Court tomorrow for the hearing, please let us know by 10 AM Eastern time tomorrow (Friday, November 16, 2007), when you intend to produce the missing information outlined above. If not, we will have no choice but to tell the court that the documents Mr. Marsden represented were produced were in fact not produced.

Very truly yours,

/Courtney/

Courtney Holohan

cc: William M. Boyd, Esq.
Jack M. Blumenfeld, Esq.

EXHIBIT 23

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November 15, 2007

VIA EMAIL

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111 Congress Avenue, Suite 810
Austin, TX 78701

Re: *Polaroid Corporation v. Hewlett Packard Company*
USDC-D. Del.-C.A. No. 06-738 (SLR)

Dear Mr. Coburn:

I write in response to HP's request of this afternoon that Polaroid provide a list of all of the products for which HP has failed to produce basic financial information. Given Mr. Marsden's unequivocal statements to the Court that HP had already produced all unit, revenue, price, profit and specification information for each of the products listed in Interrogatory No. 15, we would have expected HP to have created a product-by-product list in order to ensure accuracy in its representations to the Court. *See, e.g.,* Nov. 6 Hearing Trans. ("[W]e have provided, in fact, all of the information they have asked for here, unit, revenue, price, and specification information for those accused products as we understood them, the products that use LACE. . . . And the reason for the dispute there is we have, in fact, provided the very information that they have requested, unit, revenue, profit, price, and specification information for what we understood to be the accused products. And that was all of the products that HP has made and sold that used LACE. . . . I should mention, Your Honor, that we have provided not only this detailed information about the accused products, but we have provided summaries.").

Although HP's conduct continues to unnecessarily increase the time and expense associated with this litigation, enclosed is the list of missing damages information per your request.

In addition to the enclosed list, as I explained earlier today, even for the documents you do identify as containing revenue information for some of the other products listed in Interrogatory No. 15, the information is confusing and inconsistent at best. As I also explained, HP's refusal to provide cost information in light of its contention regarding HP's profit practices is inappropriate. You also did not identify bates numbers for the bill of materials and

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Page 2

specifications for each product listed in Interrogatory 15, as you told the Court and us during our meet and confer discussion that you would.

In light of the fact that we need to get in touch with the Court tomorrow morning for the hearing, again, please let us know by 10 AM Eastern time tomorrow (Friday, November 16, 2007), when you intend to produce the missing information outlined above. If you believe we have missed the information for any particular product in the enclosed list that is included in one of the documents you identified in your November 12, 2007 letter, please write the bates number next to the product on the enclosed list and send us the list by tomorrow morning at 10 AM Eastern.

Very truly yours,

/Courtney/

Courtney Holohan

cc: William M. Boyd, Esq.
Jack M. Blumenfeld, Esq.

Product	Missing Information
HP Business Inkjet 1200	price, unit sales
HP Color LaserJet 2605	revenue, price, unit sales
HP Color LaserJet 2700	revenue, price, unit sales
HP Color LaserJet 2800	revenue, price, unit sales
HP Color LaserJet 3000	price, unit sales
HP Color LaserJet 3500	price, unit sales
HP Color LaserJet 3550	price, unit sales
HP Color LaserJet 3600	price, unit sales
HP Color LaserJet 3700	price, unit sales
HP Color LaserJet 3800	price, unit sales
HP Color LaserJet 4600	price, unit sales
HP Color LaserJet 4650	price, unit sales
HP Color LaserJet 4700	price, unit sales
HP Color LaserJet 4730	price, unit sales
HP Color LaserJet 5500	price, unit sales
HP Color LaserJet 8550	price, unit sales
HP Color LaserJet 9500	price, unit sales
HP Color LaserJet CM1015/1017	price, unit sales
HP Color LaserJet CP 4005	revenue, price, unit sales
HP DeskJet F300 Series Aio	price, unit sales
HP DeskJet 1280	revenue, price, unit sales
HP DeskJet 1320	revenue, price, unit sales
HP DeskJet 1330	revenue, price, unit sales
HP DeskJet 1341	revenue, price, unit sales
HP DeskJet 2330	price, unit sales
HP DeskJet 2345	price, unit sales
HP DeskJet 2360	price, unit sales
HP DeskJet 3320	price, unit sales
HP DeskJet 3420	revenue, price, unit sales
HP DeskJet 3450	revenue, price, unit sales
HP DeskJet 3520	price, unit sales
HP DeskJet 3550	revenue, price, unit sales
HP DeskJet 3620	price, unit sales
HP DeskJet 3650	price, unit sales
HP DeskJet 3653	revenue, price, unit sales
HP DeskJet 3740	price, unit sales
HP DeskJet 3840	revenue, price, unit sales
HP DeskJet 3900 Series	revenue, price, unit sales
HP DeskJet 3940	price, unit sales
HP DeskJet 4155	price, unit sales
HP DeskJet 4160	unit sales
HP DeskJet 450 Series	price, unit sales
HP DeskJet 460	price, unit sales
HP DeskJet 5150	price, unit sales
HP DeskJet 5440	unit sales
HP DeskJet 5550	price, unit sales
HP DeskJet 5650	price, unit sales
HP DeskJet 5740	price, unit sales

Product	Missing Information
HP DeskJet 5850	price, unit sales
HP DeskJet 5940	unit sales
HP DeskJet 6122	price, unit sales
HP DeskJet 6127	revenue, price, unit sales
HP DeskJet 6520	price, unit sales
HP DeskJet 6540	unit sales
HP DeskJet 6600	revenue, price, unit sales
HP DeskJet 6800	revenue, price, unit sales
HP DeskJet 6940	price, unit sales
HP DeskJet 6940	price, unit sales
HP DeskJet 6940 - 6940 DT	price, unit sales
HP DeskJet 6980	revenue, unit sales
HP DeskJet 6980 Series	price, unit sales
HP DeskJet 9130	revenue, price, unit sales
HP DeskJet 9300	revenue, price, unit sales
HP DeskJet 9650	price, unit sales
HP DeskJet 9670	revenue, price, unit sales
HP DeskJet 9680	revenue, price, unit sales
HP DeskJet 9800	revenue, price, unit sales
HP DeskJet 9800 Series	price, unit sales
HP DeskJet 995	revenue, price, unit sales
HP DeskJet D1360	revenue, price, unit sales
HP DeskJet D2300 Series	revenue, price, unit sales
HP DeskJet D4100 Series	unit sales
HP DeskJet F300 Series	price, unit sales
HP DeskJet T360	revenue, price, unit sales
HP Express Station PE1000	revenue, price, unit sales
HP Image Zone 5	price
HP Image Zone Express 1.5	revenue, price, unit sales
HP Image Zone Express 1.5.3.36	revenue, price, unit sales
HP Indigo Photo Enhancement Server	revenue, price, unit sales
HP LaserJet 1160	revenue, price, unit sales
HP Officejet 1200	revenue, price, unit sales
HP Officejet 2700	revenue, price, unit sales
HP Officejet 380 Series	revenue, price, unit sales
HP Officejet 4100 Series	price, unit sales
HP Officejet 4200	revenue, price, unit sales
HP Officejet 4200 Series	price, unit sales
HP Officejet 4300	price, unit sales
HP Officejet 5110	price, unit sales
HP Officejet 5550 Series	revenue, price, unit sales
HP Officejet 5610 Series	price, unit sales
HP Officejet 6100 Series	price, unit sales
HP Officejet 6200	revenue, price, unit sales
HP Officejet 6200 Series	price, unit sales
HP Officejet 6300	revenue, price, unit sales
HP Officejet 6300 Series	price, unit sales
HP Officejet 7100 Series	price, unit sales
HP Officejet 7200 Series	price, unit sales

Product	Missing Information
HP Officejet 7300 Series	price, unit sales
HP Officejet 7400 Series	price, unit sales
HP Officejet 9110	price, unit sales
HP Officejet 9120	price, unit sales
HP Officejet 9130	price, unit sales
HP Officejet D Series	price, unit sales
HP Officejet J2100 Series	revenue, price, unit sales
HP OfficeJet Pro K5300 Series	revenue, price, unit sales
HP OfficeJet Pro K550 Series	price, unit sales
HP OfficeJet Pro K5600 Series	revenue, price, unit sales
HP OfficeJet Pro K850 Series	price, unit sales
HP OfficeJet Pro L7300	revenue, price, unit sales
HP OfficeJet Pro L7500	price, unit sales
HP OfficeJet Pro L7600	revenue, price, unit sales
HP OfficeJet Pro L7700	revenue, price, unit sales
HP P100	revenue, price, unit sales
HP P130	revenue, price, unit sales
HP P145	revenue, price, unit sales
HP P245	revenue, price, unit sales
HP P7150	revenue, price, unit sales
HP P7260	price, unit sales
HP P7350	revenue, price, unit sales
HP P7550	price, unit sales
HP P7555	revenue, price, unit sales
HP P7555D	revenue, price, unit sales
HP P7660	price, unit sales
HP P7760	price, unit sales
HP P7960	revenue, price, unit sales
HP Photosmart 2575	price, unit sales
HP Photosmart 2600 Series	price, unit sales
HP Photosmart 2700 Series	price, unit sales
HP Photosmart 3100 Series	revenue, price, unit sales
HP Photosmart 3110 Series	revenue, price, unit sales
HP Photosmart 320 Series	price, unit sales
HP Photosmart 3200 Series	revenue, price, unit sales
HP Photosmart 3210 Series	price, unit sales
HP Photosmart 330 Series	price, unit sales
HP Photosmart 3300 Series	revenue, price, unit sales
HP Photosmart 3310 Series	price, unit sales
HP Photosmart 370 Series	price, unit sales
HP Photosmart 380 Series	price, unit sales
HP Photosmart 390 Series	revenue, price, unit sales
HP Photosmart 400 Series	revenue, price, unit sales
HP Photosmart 420 Series	price, unit sales
HP Photosmart 470	revenue, price, unit sales
HP Photosmart 470 Series	price, unit sales
HP Photosmart 7400 Series	price, unit sales
HP Photosmart 7800 Series	price, unit sales
HP Photosmart 8000 Series	price, unit sales

Product	Missing Information
HP Photosmart 8100 Series	price, unit sales
HP Photosmart 8200 Series	price, unit sales
HP Photosmart 8400 Series	price, unit sales
HP Photosmart 8700 Series	price, unit sales
HP Photosmart A430 Series	price, unit sales
HP Photosmart A510 Series	price, unit sales
HP Photosmart A610 Series	price, unit sales
HP Photosmart A710 Series	price, unit sales
HP Photosmart C3100 AiO Series	price
HP Photosmart C4100 AiO Series	price, unit sales
HP Photosmart C5100 AiO Series	price, unit sales
HP Photosmart C6100 AiO Series	price, unit sales
HP Photosmart C7100 AiO Series	price, unit sales
HP Photosmart D5100 Series	
HP Photosmart D6100 Series	revenue, price, unit sales
HP Photosmart D7100 Series	price, unit sales
HP Photosmart D7300 Series	price, unit sales
HP Photosmart Essential 1.12	revenue, price, unit sales
HP Photosmart pl1000e Microlab System	price, unit sales
HP Photosmart pl1000s Microlab System	price, unit sales
HP Photosmart Premier	revenue, price, unit sales
HP Photosmart Pro B8300	revenue, price, unit sales
HP Photosmart ps2000 Studio	price, unit sales
HP Photosmart R 725	price
HP PS 433	revenue, price, unit sales
HP PS 434	revenue, price, unit sales
HP PS 436	revenue, price, unit sales
HP PS A310	price, unit sales
HP PS A316	price, unit sales
HP PS D5069	revenue, price, unit sales
HP PS D5145	revenue, price, unit sales
HP PS D5160	revenue, price, unit sales
HP PS Pro B8350	price, unit sales
HP PS Pro B9180	price, unit sales
HP PSC 1110	revenue, price, unit sales
HP PSC 1200 Series	price, unit sales
HP PSC 1209	price, unit sales
HP PSC 1210	price, unit sales
HP PSC 1300 Series	revenue, price, unit sales
HP PSC 1310 Series	price, unit sales
HP PSC 1350	price, unit sales
HP PSC 1410 Series	price, unit sales
HP PSC 1500 Series	price, unit sales
HP PSC 1600 Series	price, unit sales
HP PSC 2100 Series	price, unit sales
HP PSC 2110	price, unit sales
HP PSC 2150 Series	revenue, price, unit sales
HP PSC 2170 Series	revenue, price, unit sales
HP PSC 2175	price, unit sales

Product	Missing Information
HP PSC 2200 Series	revenue, price, unit sales
HP PSC 2210	revenue, price, unit sales
HP PSC 2300 Series	revenue, price, unit sales
HP PSC 2350 Series	price, unit sales
HP PSC 2400 Series	revenue, price, unit sales
HP PSC 2410	price, unit sales
HP PSC 2500 Series	price, unit sales
HP PSC 2510	price, unit sales
HP R 727	price
HP R 727 Series	revenue, price, unit sales
HP R 827	price
HP R 927	price
HP R 967	price
HP R837	
HP R937	
HP Standard Film Scanner Expansion Kit (Pakon)	price, unit sales

EXHIBIT 24

Courtney
Holohan/Chicago/Kirkland-Elli
s

12/19/2007 03:32 PM

To Polaroid Investigation

cc

bcc

Subject Fw: Missing Unit, Revenue, and Price Information

G. Courtney Holohan
Kirkland & Ellis LLP
200 E. Randolph Drive
Chicago, IL 60601
Phone: 312-861-3027
Mobile: 773-220-8401
Fax: 312-861-2200

— Forwarded by Courtney Holohan/Chicago/Kirkland-Ellis on 12/19/2007 03:26 PM —

Courtney
Holohan/Chicago/Kirkland-Elli
s

12/19/2007 03:25 PM

To Bernstein@fr.com, Bustamante@fr.com, coburn@fr.com

cc

Subject Missing Unit, Revenue, and Price Information

Counsel:

As you know, we are still missing unit, price, and revenue information for the products listed in response to Interrogatory No. 15 as reflected on the attached document for your convenience. These documents should have been produced by August 31, 2007. Although we followed up requesting the missing information multiple times, on November 6, you actually told the Court that all information had been produced, although it certainly had not been produced. On November 19, you told the Court that you would produce the remaining information by December 7. Nearly two weeks after the December 7 deadline, you still have not produced this straightforward information. Indeed, we have received an increase of only 14% of revenue information, 16% of unit sales information, and 28% of price information since the documents belatedly produced during the week of November 12, 2007.

Unless we receive the remaining information from you by 9 AM central time on Friday, December 21, 2007 at the latest (which is nearly four months after the document production deadline), the admissible units, revenue, and price information for the missing products will be based on an extrapolation using appropriate statistical methodology for the products for which HP has provided unit information. We will object to any attempt by HP at any time to in any way challenge Polaroid's expert's use of this extrapolation for his damages opinion.

Best regards,

Courtney

G. Courtney Holohan
Kirkland & Ellis LLP
200 E. Randolph Drive
Chicago, IL 60601

Phone: 312-861-3027
Fax: 312-861-2200

<<< Attachment 'Missing Information Updated 12.19 .pdf' has been archived by user
'CommonStore/IT/Kirkland-Ellis' on '02/19/2008 00:17:31'. >>>

*Profit and Cost information has not been identified for these products

Product	Missing Information
HP Business Inkjet 1200	
HP Color LaserJet 2605	
HP Color LaserJet 2700	revenue, price, unit sales
HP Color LaserJet 2800	revenue, price, unit sales
HP Color LaserJet 3000	
HP Color LaserJet 3500	
HP Color LaserJet 3550	
HP Color LaserJet 3600	
HP Color LaserJet 3700	
HP Color LaserJet 3800	
HP Color LaserJet 4600	
HP Color LaserJet 4650	
HP Color LaserJet 4700	
HP Color LaserJet 4730	
HP Color LaserJet 5500	
HP Color LaserJet 8550	
HP Color LaserJet 9500	
HP Color LaserJet CM1015/1017	
HP Color LaserJet CP 4005	
HP DeskJet F300 Series Aio	
HP DeskJet 1280	price, unit sales
HP DeskJet 1320	price
HP DeskJet 1330	price
HP DeskJet 1341	revenue, price, unit sales
HP DeskJet 2330	
HP DeskJet 2345	
HP DeskJet 2360	
HP DeskJet 3320	
HP DeskJet 3420	
HP DeskJet 3450	
HP DeskJet 3520	price
HP DeskJet 3550	price
HP DeskJet 3620	price
HP DeskJet 3650	price
HP DeskJet 3653	price
HP DeskJet 3740	
HP DeskJet 3840	revenue, price, unit sales
HP DeskJet 3900 Series	
HP DeskJet 3940	
HP DeskJet 4155	
HP DeskJet 4160	
HP DeskJet 450 Series	
HP DeskJet 460	price
HP DeskJet 5150	
HP Deskjet 5440	
HP DeskJet 5550	

Product	Missing Information
HP DeskJet 5650	
HP DeskJet 5740	
HP DeskJet 5850	
HP Deskjet 5940	
HP DeskJet 6122	
HP DeskJet 6127	
HP DeskJet 6520	price
HP DeskJet 6540	
HP DeskJet 6600	revenue, price, unit sales
HP DeskJet 6800	revenue, price, unit sales
HP Deskjet 6940 Series	
HP DeskJet 6940	
HP Deskjet 6940 - 6940 DT	
HP DeskJet 6980	
HP DeskJet 6980 Series	price
HP DeskJet 9130	revenue, price, unit sales
HP DeskJet 9300	
HP DeskJet 9650	price
HP DeskJet 9670	price
HP DeskJet 9680	price
HP DeskJet 9800	
HP DeskJet 9800 Series	
HP DeskJet 995	price
HP Deskjet D1360	revenue, price, unit sales
HP DeskJet D2300 Series	revenue, price, unit sales
HP Deskjet D4100 Series	
HP Deskjet F300 Series	
HP DeskJet T360	revenue, price, unit sales
HP Express Station PE1000	revenue, unit sales
HP Image Zone	price
HP Image Zone Express	revenue, price
HP Indigo Photo Enhancement Server	revenue, price, unit sales
HP LaserJet 1160	
HP Officejet 1200	revenue, price, unit sales
HP Officejet 2700	revenue, price, unit sales
HP Officejet 380 Series	revenue, price, unit sales
HP Officejet 4100 Series	price
HP Officejet 4200	
HP Officejet 4200 Series	
HP Officejet 4300	
HP Officejet 5110	
HP Officejet 5550 Series	revenue, price, unit sales
HP Officejet 5610 Series	
HP Officejet 6100 Series	
HP Officejet 6200	
HP Officejet 6200 Series	
HP Officejet 6300	
HP Officejet 6300 Series	
HP Officejet 7100 Series	

Product	Missing Information
HP Officejet 7200 Series	price
HP Officejet 7300 Series	
HP Officejet 7400 Series	
HP Officejet 9110	
HP Officejet 9120	price
HP Officejet 9130	
HP Officejet D Series	
HP Officejet J2100 Series	revenue, price, unit sales
HP OfficeJet Pro K5300 Series	revenue, price, unit sales
HP OfficeJet Pro K550 Series	
HP OfficeJet Pro K5600 Series	revenue, price, unit sales
HP OfficeJet Pro K850 Series	price
HP OfficeJet Pro L7300	revenue, price, unit sales
HP OfficeJet Pro L7500	price
HP OfficeJet Pro L7600	revenue, price, unit sales
HP OfficeJet Pro L7700	revenue, price, unit sales
HP P100	
HP P130	
HP P145	
HP P245	price
HP P7150	
HP P7260	
HP P7350	
HP P7550	
HP P7555	revenue, price, unit sales
HP P7555D	revenue, price, unit sales
HP P7660	
HP P7760	
HP P7960	revenue, price, unit sales
HP Photosmart 2575	
HP Photosmart 2600 Series	
HP Photosmart 2700 Series	
HP Photosmart 3100 Series	revenue, price, unit sales
HP Photosmart 3110 Series	revenue, price, unit sales
HP Photosmart 320 Series	price
HP Photosmart 3200 Series	revenue, price, unit sales
HP Photosmart 3210 Series	
HP Photosmart 330 Series	
HP Photosmart 3300 Series	revenue, price, unit sales
HP Photosmart 3310 Series	
HP Photosmart 370 Series	price
HP Photosmart 380 Series	
HP Photosmart 390 Series	revenue, price, unit sales
HP Photosmart 400 Series	revenue, price, unit sales
HP Photosmart 420 Series	
HP Photosmart 470	
HP Photosmart 470 Series	
HP Photosmart 7400 Series	
HP Photosmart 7800 Series	

Product	Missing Information
HP Photosmart 8000 Series	
HP Photosmart 8100 Series	
HP Photosmart 8200 Series	
HP Photosmart 8400 Series	
HP Photosmart 8700 Series	price
HP Photosmart A430 Series	
HP Photosmart A510 Series	
HP Photosmart A610 Series	
HP Photosmart A710 Series	
HP Photosmart C3100 AiO Series	
HP Photosmart C4100 AiO Series	
HP Photosmart C5100 AiO Series	
HP Photosmart C6100 AiO Series	
HP Photosmart C7100 AiO Series	
HP Photosmart D5100 Series	
HP Photosmart D6100 Series	revenue, price, unit sales
HP Photosmart D7100 Series	
HP Photosmart D7300 Series	
HP Photosmart Essential	revenue
HP Photosmart pl1000e Microlab System	price
HP Photosmart pl1000s Microlab System	price
HP Photosmart Premier	revenue, price, unit sales
HP Photosmart Pro B8300	revenue, price, unit sales
HP Photosmart ps2000 Studio	price
HP Photosmart R 725	
HP PS 433	revenue, price, unit sales
HP PS 434	revenue, price, unit sales
HP PS 436	revenue, price, unit sales
HP PS A310	price
HP PS A316	price
HP PS D5069	price
HP PS D5145	revenue, price, unit sales
HP PS D5160	revenue, price, unit sales
HP PS Pro B8350	price
HP PS Pro B9180	price
HP PSC 1110	
HP PSC 1200 Series	
HP PSC 1209	
HP PSC 1210	
HP PSC 1300 Series	revenue, price, unit sales
HP PSC 1310 Series	
HP PSC 1350	
HP PSC 1410 Series	
HP PSC 1500 Series	
HP PSC 1600 Series	
HP PSC 2100 Series	price, unit sales
HP PSC 2110 Series	
HP PSC 2150 Series	revenue, price, unit sales
HP PSC 2170 Series	

Product	Missing Information
HP PSC 2175	
HP PSC 2200 Series	revenue, price, unit sales
HP PSC 2210 Series	
HP PSC 2300 Series	revenue, price, unit sales
HP PSC 2350 Series	
HP PSC 2400 Series	revenue, price, unit sales
HP PSC 2410	
HP PSC 2500 Series	
HP PSC 2510	
HP R 727	
HP R 727 Series	
HP R 827	
HP R 927	
HP R 967	
HP R837	
HP R937	
HP Standard Film Scanner Expansion Kit (Pakon)	price

EXHIBIT 25

KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

200 East Randolph Drive
Chicago, Illinois 60601

Maria A. Meginnes
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Dir. Fax: 312.846.9196

January 29, 2008

VIA EMAIL

Matthew C. Bernstein, Esq.
Fish & Richardson P.C.
12390 El Camino Real
San Diego, CA 92130

Re: *Polaroid Corporation v. Hewlett-Packard Company*
USDC-D. Del. - C.A. No. 06-738 (SLR)

Dear Mr. Bernstein:

Despite the statements in your December 20, 2007 correspondence, we are still missing unit, price, and revenue information for certain products listed in HP's First Supplemental Response to Interrogatory No. 15. This missing information is reflected on the attached document for your convenience. Previous correspondence from Ms. Courtney Holohan has amply outlined the history of HP's deficiencies in this regard. Polaroid expects HP to provide this missing information by the end of today, Tuesday, January 29, 2008.

Moreover, HP recently added approximately 126 new products in HP's Second Supplemental Response to Interrogatory No. 15 ("Second Supplemental Response"), as reflected on the attached document. The late disclosure of these products is unacceptable, particularly given the exchanges that have already taken place between the parties on these issues. Polaroid also expects HP to identify the unit, price, and revenue information for the new products from the Second Supplemental Response by the end of today at the latest.

Polaroid expects the two Rule 30(b)(6) witnesses designated for this week on unit, revenue, and pricing information and downloads to be prepared to testify regarding products contained in HP's Second Supplemental Response. If HP does not produce the unit, price, and revenue information Polaroid needs in a timely manner, Polaroid reserves the right to reopen these depositions after the close of discovery at our convenience in order to obtain the information that HP has deliberately withheld over the past four months.

Finally, Polaroid reserves its right to extrapolate whatever information it needs based on HP's failure to produce basic financial information regarding the accused products in this case. As you are well aware, this information is long overdue.

KIRKLAND & ELLIS LLP

Matthew C. Bernstein, Esq.
January 29, 2008
Page 2

Very truly yours,

Maria A. Meginnes

Maria A. Meginnes

cc: William M. Boyd, Esq.
Jack B. Blumenfeld, Esq.

*Profit and Cost information has not been identified for these products

Product [5]	Missing Information
HP Business InkJet 1200	
HP Color LaserJet 2605	
HP Color LaserJet 2700 [3]	Revenue, Unit Sales
HP Color LaserJet 2800 Series [1]	
HP Color LaserJet 3000	
HP Color LaserJet 3500	
HP Color LaserJet 3550	
HP Color LaserJet 3600	
HP Color LaserJet 3700	
HP Color LaserJet 3800	
HP Color LaserJet 4600	
HP Color LaserJet 4650	
HP Color LaserJet 4700	
HP Color LaserJet 4730	
HP Color LaserJet 5500	
HP Color LaserJet 8550	
HP Color LaserJet 9500	
HP Color LaserJet CM1015/1017	
HP Color LaserJet CP 4005	
HP DeskJet 1280 [3]	Revenue, Unit Sales
HP DeskJet 1320	
HP DeskJet 1330	
HP DeskJet 1341	
HP DeskJet 2330	
HP DeskJet 2345	
HP DeskJet 2360	
HP DeskJet 3320	
HP DeskJet 3420	
HP DeskJet 3450	
HP DeskJet 3520	
HP DeskJet 3550	
HP DeskJet 3620	
HP DeskJet 3650	
HP DeskJet 3653	
HP DeskJet 3740	
HP DeskJet 3840 Series [1]	
HP DeskJet 3900 Series	
HP DeskJet 3940	
HP DeskJet 4155	
HP DeskJet 4160	
HP DeskJet 450 Series	
HP DeskJet 460	
HP DeskJet 5150	
HP DeskJet 5440	
HP DeskJet 5550	
HP DeskJet 5650	

Product [5]	Missing Information
HP DeskJet 5740	
HP DeskJet 5850	
HP DeskJet 5940	
HP DeskJet 6122	
HP DeskJet 6127	
HP DeskJet 6520	
HP DeskJet 6540	
HP DeskJet 6600 Series [1]	
HP DeskJet 6800 Series [1]	
HP DeskJet 6940 Series	
HP DeskJet 6980 Series	
HP DeskJet 9130	Revenue, Unit Sales, Price
HP DeskJet 9300	
HP DeskJet 9650	
HP DeskJet 9670	
HP DeskJet 9680	
HP DeskJet 9800 Series	
HP DeskJet 995	
HP DeskJet D1360	
HP DeskJet D2300 Series	
HP DeskJet D4100 Series	
HP DeskJet F300 Series AiO	
HP DeskJet T360 [4]	Revenue, Unit Sales, Price
HP Express Station PE1000 [3]	Revenue, Unit Sales
HP Image Zone	
HP Image Zone Express [2]	Revenue, Price
HP Indigo Photo Enhancement Server [2]	Revenue, Unit Sales, Price
HP LaserJet 1160	
HP OfficeJet 1200 [4]	Revenue, Unit Sales, Price
HP OfficeJet 2700 [4]	Revenue, Unit Sales, Price
HP OfficeJet 380 Series [4]	Revenue, Unit Sales, Price
HP OfficeJet 4100 Series	
HP OfficeJet 4200 Series	
HP OfficeJet 4300	
HP OfficeJet 5110	
HP OfficeJet 5550 Series [4]	Revenue, Unit Sales, Price
HP OfficeJet 5610 Series	
HP OfficeJet 6100 Series	
HP OfficeJet 6200 Series	
HP OfficeJet 6300 Series	
HP OfficeJet 7100 Series	
HP OfficeJet 7200 Series	
HP OfficeJet 7300 Series	
HP OfficeJet 7400 Series	
HP OfficeJet 9110	
HP OfficeJet 9120	

Product [5]	Missing Information
HP OfficeJet 9130	
HP OfficeJet D Series	
HP OfficeJet J2100 Series [4]	Revenue, Unit Sales, Price
HP OfficeJet Pro K5300 Series [3]	Revenue, Unit Sales
HP OfficeJet Pro K550 Series	
HP OfficeJet Pro K5600 Series [4]	Revenue, Unit Sales, Price
HP OfficeJet Pro K850 Series	
HP OfficeJet Pro L7300 [3]	Revenue, Unit Sales
HP OfficeJet Pro L7500	
HP OfficeJet Pro L7600 Series [1]	
HP OfficeJet Pro L7700 Series [1]	
HP P100	
HP P130	
HP P145	
HP P245	
HP P7150	
HP P7260	
HP P7350	
HP P7550	
HP P7555 [4]	Revenue, Unit Sales, Price
HP P7555D [4]	Revenue, Unit Sales, Price
HP P7660	
HP P7760	
HP P7960	
HP Photosmart 2575	
HP Photosmart 2600 Series	
HP Photosmart 2700 Series	
HP Photosmart 3100 Series [3]	Revenue, Unit Sales
HP Photosmart 3110 Series [3]	Revenue, Unit Sales
HP Photosmart 320 Series	
HP Photosmart 3200 Series	Revenue, Unit Sales, Price
HP Photosmart 3210 Series	
HP Photosmart 330 Series	
HP Photosmart 3300 Series	Revenue, Unit Sales
HP Photosmart 3310 Series	
HP Photosmart 370 Series	
HP Photosmart 380 Series	
HP Photosmart 390 Series [4]	Revenue, Unit Sales, Price
HP Photosmart 400 Series [4]	Revenue, Unit Sales, Price
HP Photosmart 420 Series	Revenue, Unit Sales
HP Photosmart 470 Series	
HP Photosmart 7400 Series	
HP Photosmart 7800 Series	
HP Photosmart 8000 Series	
HP Photosmart 8100 Series	
HP Photosmart 8200 Series	
HP Photosmart 8400 Series	

Product [5]	Missing Information
HP Photosmart 8700 Series	
HP Photosmart A430 Series	
HP Photosmart A510 Series	
HP Photosmart A610 Series	
HP Photosmart A710 Series	
HP Photosmart C3100 AiO Series	
HP Photosmart C4100 AiO Series	
HP Photosmart C5100 AiO Series	
HP Photosmart C6100 AiO Series	
HP Photosmart C7100 AiO Series	
HP Photosmart D5100 Series	
HP Photosmart D6100 Series [3]	Revenue, Unit Sales
HP Photosmart D7100 Series	
HP Photosmart D7300 Series	
HP Photosmart Essential [2]	Revenue
HP Photosmart pl1000e Microlab System	
HP Photosmart pl1000s Microlab System	Revenue, Unit Sales
HP Photosmart Premier [2]	Revenue
HP Photosmart Pro B8300 Series [1]	
HP Photosmart ps2000 Studio	Revenue, Unit Sales
HP Photosmart R 725	
HP PS A310	
HP PS A316	
HP PS D5069	
HP PS Pro B9180	
HP PSC 1110	
HP PSC 1200 Series	
HP PSC 1300 Series	
HP PSC 1410 Series	
HP PSC 1500 Series	
HP PSC 1600 Series	
HP PSC 2100 Series [3]	
HP PSC 2150 Series [3]	Revenue, Unit Sales
HP PSC 2170 Series	
HP PSC 2200/2210 Series [1]	
HP PSC 2300 Series [3]	Revenue, Unit Sales
HP PSC 2350 Series	
HP PSC 2400 Series [3]	
HP PSC 2500 Series	
HP R 727 Series	
HP R 827	
HP R 927	
HP R 967	
HP R837	
HP R937	
HP Standard Film Scanner Expansion Kit (Pakon)	

Notes:

[1-4] Per letter from Matthew Bernstein of Fish & Richardson P.C dated December 20, 2007:

[1] Product is not a series.

[2] Product was not sold.

[3] Product possibly not sold in the U.S

[4] Product is misidentified.

[5] All accused products listed in Interrogatory 15 that are included in a series that is also listed in Interrogatory 15 are not specified in this document. This applies to DeskJet 6940, DeskJet 6980, DeskJet 9800, OfficeJet 4200, OfficeJet 6200, OfficeJet 6300, Photosmart 470, PS 433, PS 434, PS 436, PS D5145, PS D5160, PS Pro B8350, PSC 1209, PSC 1210, PSC 1310 Series, PSC 1350, PSC 2110 Series, PSC 2175, PSC 2410, PSC 2510, and R 727.

Newly identified products according to Hewlett-Packard Company's Second Supplemental Response to Polaroid's First Set of Interrogatories. (1.25.08)			
Deskjet 656	Officejet 5100 Series	Deskjet D1400 Series	Photosmart C8100 Series
Deskjet 920	Officejet 550 Series	Deskjet D2400 Series	Photosmart D5060 Series
Deskjet 930	Photosmart 130	Deskjet D4200 Series	Photosmart D5100/D5160 Series
Deskjet 940	Photosmart 145	Deskjet F2100 Series	Photosmart D5300 Series
Deskjet 960	Photosmart 245	Deskjet F4100 Series	Photosmart D7200 Series
Deskjet 960c	Photosmart 7150	Officejet H470 Series	Photosmart Pro B9100 Series
Deskjet 960cse	Photosmart 7260 Series	Officejet J6400 Series	CM 8050 Color MFP with Edgeline Technology
Deskjet 960cxi	Photosmart 7350	Officejet K7100 Series	CM 8060 Color MFP with Edgeline Technology
Deskjet 990	Photosmart 7550	Officejet L7500 Series	Color Laserjet 3505
Deskjet 990cm	Photosmart 7660	Officejet L7600 Series	Color Laserjet 5550
Deskjet 990cse	Photosmart 7760	Officejet L7700 Series	Image Zone (including Versions 3.0 and above)
Deskjet 990cxi	Photosmart 7960	Officejet L7300 Series	Image Zone Plus
Deskjet 995c Series	PSC 1110 Series	Officejet K5400 Series	Image Zone Express 1.5
Deskjet 3420 Series	PSC 2175 Series	Officejet K8600 Series	Photosmart Premier 6.0
Deskjet 3480	Laserjet 1150	HP Designjet Z2100 Series	Photosmart Essential 1.8
Deskjet 3500	NEC 770	HP Designjet Z3100 Series	Photosmart Premier 6.5
Deskjet 3530	NEC 870	HP Designjet Z3100ps Series	Photosmart Essential 1.9
Deskjet 3600 Series	NEC 970	Photosmart A440 Series	Photosmart Essential 1.12
Deskjet 3750	Picty 870	Photosmart A520 Series	Photosmart Essential 2.0
Deskjet 3820	Picty 980	Photosmart A620 Series	Photosmart Essential 2.01
Deskjet 5100 Series	Deskjet 1360	Photosmart A820 Series	Photosmart Essential 2.5
Deskjet 5551	Photosmart D5100/D5160 Series	Photosmart C4200 Series	Photosmart Essential Custom
Deskjet 5600	PSC 1340/1350 Series	Photosmart C4380 Series	
Deskjet 5800	Photosmart 100 Series	Photosmart C5200 Series	
Deskjet 9600 Series	Business Inkjet 1800	Photosmart C6200 Series	
Business Inkjet 1100	Deskjet D1300 Series	Photosmart C7200 Series	

EXHIBIT 26

—— Forwarded by Maria Meginnes/Chicago/Kirkland-Ellis on 02/11/2008 12:52 PM ——

**Maria
Meginnes/Chicago/Kirkland-
Ellis** To "Matthew C. Bernstein" <Bernstein@fr.com>
cc
02/11/2008 12:52 PM Subje Fw: Polaroid/HP: Correspondence
ct

Dear Matthew:

I wrote to you on January 29, 2008 regarding the unit, price, and revenue information that HP still has not produced to Polaroid. Although Polaroid requested a response by the end of the day on January 29, 2008, HP never answered this letter in writing. Instead, HP referenced a few additional documents that it has produced on January 30 and 31, 2008. After review of this new production, Polaroid now provides the attached chart with the unit, price, and revenue information that it is still unable to locate in HP's production. Please provide this missing information by the end of Wednesday, February 13, 2008. It is long overdue and necessary for upcoming expert reports.

Best regards,

Maria

Maria A. Meginnes | Attorney | Kirkland & Ellis LLP

200 EAST RANDOLPH DRIVE • 73RD FLOOR | CHICAGO, IL 60601 | TEL: (312) 861-3220 | FAX: (312) 846-9196

*Profit and Cost information has not been identified for these products

Accused Product [5]	Missing Information
Business Inkjet 1100	
Business InkJet 1200	
Business InkJet 1800	Revenue, Unit Sales, Price
CM 8050 Color MFP with Edgeline Technology	Revenue, Unit Sales
CM 8060 Color MFP with Edgeline Technology	
Color LaserJet 2605	
Color LaserJet 2700 [3]	Revenue, Unit Sales
Color LaserJet 2800 Series [1], [6]	
Color LaserJet 3000	
Color LaserJet 3500	
Color Laserjet 3505	
Color LaserJet 3550	
Color LaserJet 3600	
Color LaserJet 3700	
Color LaserJet 3800	
Color LaserJet 4600	
Color LaserJet 4650	
Color LaserJet 4700	
Color LaserJet 4730	
Color LaserJet 5500	
Color Laserjet 5550	
Color LaserJet 8550	
Color LaserJet 9500	
Color LaserJet CM1015/1017	
Color Laserjet CP4005	
Designjet Z2100 Series	
Designjet Z3100 Series	
Designjet Z3100ps Series	
DeskJet 1280 [3]	Revenue, Unit Sales
DeskJet 1360	
DeskJet 3320	
DeskJet 3420 Series	
Deskjet 3480 [1]	Revenue, Unit Sales, Price
Deskjet 3500	Revenue, Unit Sales, Price
Deskjet 3530 Series [6]	Revenue, Unit Sales
DeskJet 3550	
Deskjet 3600 Series	
DeskJet 3740	
Deskjet 3750	Revenue, Unit Sales, Price
Deskjet 3820	
DeskJet 3840 Series [1], [6]	
DeskJet 3900 Series	
DeskJet 450 Series	
DeskJet 460	
Deskjet 5100 Series	
DeskJet 5440	

Accused Product [5]	Missing Information
DeskJet 5550	
Deskjet 5551	Revenue, Unit Sales
Deskjet 5600	Revenue, Unit Sales, Price
DeskJet 5650	
DeskJet 5740	
Deskjet 5800	Revenue, Unit Sales, Price
DeskJet 5850	
DeskJet 5940	
DeskJet 6122	
DeskJet 6127	
DeskJet 6520	
DeskJet 6540	
Deskjet 656	
DeskJet 6600 Series [1], [6]	
DeskJet 6800 Series [1], [6]	
DeskJet 6940 Series	
DeskJet 6980 Series	
Deskjet 920	
Deskjet 930	
DeskJet 9300	
Deskjet 940	
DeskJet 9600 Series	
Deskjet 960	Revenue, Unit Sales, Price
Deskjet 960c	
Deskjet 960cse	
Deskjet 960cxi	
DeskJet 9800 Series	
Deskjet 990	Revenue, Unit Sales, Price
Deskjet 990cm	
Deskjet 990cse	Revenue, Unit Sales, Price
Deskjet 990cxi	
DeskJet 995c Series	
DeskJet D1300 Series	
DeskJet D1400 Series	
DeskJet D2300 Series	
DeskJet D2400 Series	
DeskJet D4100 Series	
DeskJet D4200 Series	
DeskJet F2100 Series	
DeskJet F300 Series Aio	
DeskJet F4100 Series	
Express Station PE1000 [3]	Revenue, Unit Sales
Image Zone (including Versions 3.0 and above)	
Image Zone Express 1.5	Revenue, Unit Sales, Price
Image Zone Plus	Revenue, Unit Sales, Price
Indigo Photo Enhancement Server [2]	Revenue, Unit Sales, Price

Accused Product [5]	Missing Information
LaserJet 1150	
LaserJet 1160	
NEC 770	Revenue, Unit Sales
NEC 870	Revenue, Unit Sales
NEC 970	Revenue, Unit Sales
OfficeJet 4100 Series	
OfficeJet 4200 Series	
OfficeJet 4300 Series [6]	
OfficeJet 5100 Series	
OfficeJet 550 Series	Revenue, Unit Sales, Price
OfficeJet 5610 Series	
OfficeJet 6100 Series [3]	
OfficeJet 6200 Series	
OfficeJet 6300 Series [6]	
OfficeJet 7100 Series	
OfficeJet 7200 Series	
OfficeJet 7300 Series	
OfficeJet 7400 Series	
OfficeJet 9130	
OfficeJet D Series	
OfficeJet H470 Series	Revenue, Unit Sales
OfficeJet J2100 Series [4]	Revenue, Unit Sales, Price
OfficeJet J6400 Series	Revenue, Unit Sales, Price
OfficeJet K7100 Series	Revenue, Unit Sales
OfficeJet Pro K8600 Series	Revenue, Unit Sales
OfficeJet Pro K5300 Series [3]	Revenue, Unit Sales
Officejet Pro K5400 Printer Series	
OfficeJet Pro K550 Series	
OfficeJet Pro K5600 Series [4]	Revenue, Unit Sales, Price
OfficeJet Pro K850 Series	
OfficeJet Pro L7300 Series [3]	Revenue, Unit Sales
OfficeJet Pro L7500 Series	
OfficeJet Pro L7600 Series [1]	
OfficeJet Pro L7700 Series [1]	
Photosmart 100 Series	
Photosmart 130	
Photosmart 145	
Photosmart 245	
Photosmart 2575	
Photosmart 2600 Series	
Photosmart 2700 Series	
Photosmart 3100 Series [3]	Revenue, Unit Sales
Photosmart 3110 Series [3]	Revenue, Unit Sales
Photosmart 320 Series	
Photosmart 3200 Series	Revenue, Unit Sales, Price
Photosmart 3210 Series	

Accused Product [5]	Missing Information
Photosmart 330 Series	Revenue, Unit Sales
Photosmart 3300 Series	
Photosmart 3310 Series	
Photosmart 370 Series	
Photosmart 380 Series	Revenue, Unit Sales, Price
Photosmart 390 Series [4]	
Photosmart 400 Series [4]	
Photosmart 420 Series	Revenue, Unit Sales
Photosmart 470 Series	
Photosmart 7150	
Photosmart 7260 Series	
Photosmart 7350	
Photosmart 7400 Series	
Photosmart 7550	
Photosmart 7660	
Photosmart 7760	
Photosmart 7800 Series	
Photosmart 7960	
Photosmart 8000 Series	
Photosmart 8100 Series	
Photosmart 8200 Series	
Photosmart 8400 Series	
Photosmart 8700 Series	
Photosmart A310 Series	
Photosmart A430 Series	
Photosmart A440 Series	
Photosmart A510 Series	
Photosmart A520 Series	
Photosmart A610 Series	
Photosmart A620 Series	
Photosmart A710 Series	
Photosmart A820 Series	
Photosmart C3100 AiO Series	
Photosmart C4100 AiO Series	
Photosmart C4200 Series	
Photosmart C4380 Series	
Photosmart C5100 AiO Series	
Photosmart C5200 Series	
Photosmart C6100 AiO Series	
Photosmart C6200 Series	
Photosmart C7100 AiO Series	
Photosmart C7200 Series	
Photosmart C8100 Series	
Photosmart D5060 Series	
Photosmart D5100/D5160 Series	
Photosmart D5300 Series	

Accused Product [5]	Missing Information
Photosmart D6100 Series	Revenue, Unit Sales
Photosmart D7100 Series	
Photosmart D7200 Series	
Photosmart D7300 Series	
Photosmart Essential [2]	Revenue
Photosmart Essential 1.12	Revenue, Unit Sales, Price
Photosmart Essential 1.8	Revenue, Unit Sales, Price
Photosmart Essential 1.9	Revenue, Unit Sales, Price
Photosmart Essential 2.0	Revenue, Unit Sales, Price
Photosmart Essential 2.01	Revenue, Unit Sales, Price
Photosmart Essential 2.5	Revenue, Unit Sales, Price
Photosmart Essential Custom	Revenue, Unit Sales, Price
Photosmart pl1000e Microlab System	
Photosmart pl1000s Microlab System	Revenue, Unit Sales
Photosmart Premier 6.0	Revenue, Unit Sales, Price
Photosmart Premier 6.5	Revenue, Unit Sales, Price
Photosmart Pro B8300 Series [1]	
Photosmart Pro B9100 Series	
Photosmart ps2000 Studio	Revenue, Unit Sales
Picty 870	Revenue, Unit Sales, Price
Picty 980	Revenue, Unit Sales, Price
PSC 1110 Series	
PSC 1200 Series	
PSC 1300 Series	
PSC 1310 Series	
PSC 1410 Series	
PSC 1500 Series	
PSC 1600 Series	
PSC 2100 Series [3]	
PSC 2110 Series	
PSC 2150 Series [3]	Revenue, Unit Sales
PSC 2170/2175 Series	
PSC 2200/2210 Series [1]	
PSC 2300 Series [3]	Revenue, Unit Sales
PSC 2350 Series	
PSC 2400 Series [3]	
PSC 2500 Series	
R 725	
R 727	
R 827	
R 837	
R 927	
R 937	
R 967	
Standard Film Scanner Expansion Kit (Pakon)	

Notes:

[1-4] Per letter from Matthew Bernstein of Fish & Richardson P.C dated December 20, 2007:

[1] Product is not a series.

[2] Product was not sold.

[3] Product possibly not sold in the U.S

[4] Product is misidentified.

[5] All accused products listed in HP's 2nd Response to Interrogatory 15 that are included in a series that is also listed in 2nd Response to Interrogatory 15 are not specified in this document. This applies to Deskjet 3940, DeskJet 6940, DeskJet 6980, DeskJet 9800, Officejet 4200, Officejet 6200, PSC 1340/1350 Series.

[6] Accused product listed in HP's 2nd Response to Interrogatory 15 is assumed to be a series.

EXHIBIT 27

KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

200 East Randolph Drive
Chicago, Illinois 60601

Maria A. Meginnes
To Call Writer Directly:
312.861.3220
mmeginnes@kirkland.com

(312) 861-2000
www.kirkland.com

Facsimile:
(312) 861-2200
Dir. Fax: 312.846.9196

March 25, 2008

VIA EMAIL

Matthew C. Bernstein, Esq.
Fish & Richardson P.C.
12390 El Camino Real
San Diego, CA 92130

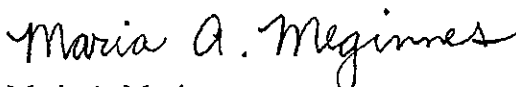
Re: *Polaroid Corporation v. Hewlett-Packard Company*
USDC-D. Del. - C.A. No. 06-738 (SLR)

Dear Mr. Bernstein:

I write in response to Hewlett-Packard Company's Third Supplemental Response to Polaroid's First Set of Interrogatories (No. 15) and Supplemental Response to Polaroid's Third Set of Interrogatories (No. 22), as served on March 20, 2008. While the supplementation of interrogatory responses may be appropriate under certain conditions, HP's untimely supplementation is clearly objectionable.

Polaroid objects to HP's supplementation after the submission of initial expert reports on March 14, 2008. Polaroid also objects to the extent these interrogatory responses are based on late-produced documents or information that should have been disclosed much earlier in the case. Polaroid will move to strike and/or preclude any use of these supplemental interrogatory responses by HP at the appropriate time.

Very truly yours,


Maria A. Meginnes

MAM

cc: William M. Boyd, Esq.
Jack B. Blumenfeld, Esq.

EXHIBIT 28

FISH & RICHARDSON P.C.

Frederick P. Fish
1855-1930

W.K. Richardson
1859-1951

VIA EMAIL

April 15, 2008

Maria A. Meginnes
Kirkland & Ellis
200 East Randolph Drive
Chicago, IL 60601

Re: *Polaroid Corporation v. Hewlett-Packard Company*
USDC-D. Del. - C.A. No. 06-738 (SLR) (D.Del.)



Dear Ms. Meginnes:

Attached hereto, please find the following HP production bearing bates range HP 97225-28:

HP_97225 – POL APR1

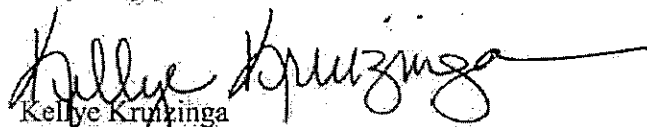
HP_97226 – Polaroid_Apr8

HP_97227 – Fame 04-05

HP_97228 – 8x11

The documents are designated as OUTSIDE COUNSEL ONLY and under the protective order needs to be treated as such.

Very truly yours,


Kellye Krutzinger
Litigation Paralegal

Encls.

10826931.doc

12390 El Camino Real
San Diego, California
92130

Telephone
858 678-5070

Facsimile
858 678-5099

Web Site
www.fr.com

ATLANTA
AUSTIN
BOSTON
DALLAS
DELAWARE
MUNICH
NEW YORK
SAN DIEGO
SILICON VALLEY
TWIN CITIES
WASHINGTON, DC

EXHIBIT 29

KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

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Chicago, Illinois 60601

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(312) 861-2200
Dir. Fax: 312.846.9196

April 16, 2008

VIA EMAIL

John E. Giust, Esq.
Fish & Richardson, P.C.
12390 El Camino Real
San Diego, CA 92130

Re: *Polaroid Corporation v. Hewlett-Packard Company*
USDC-D. Del. - C.A. No. 06-738 (SLR)

Dear Mr. Giust:

I write to object to HP's late production of the documents Bates-stamped HP_97225, HP_97226, HP_97227, and HP_97228. Please be advised that Polaroid will move at the appropriate time to preclude HP's or its experts' use of, and reliance on, these documents.

Very truly yours,

Maria A. Meginnes

Maria A. Meginnes

cc: William M. Boyd, Esq.
Jack B. Blumenfeld, Esq.

EXHIBIT 30

FISH & RICHARDSON P.C.

Frederick P. Fish
1855-1930

W.K. Richardson
1859-1951

VIA EMAIL

October 3, 2007

Michelle W. Jordan
Kirkland & Ellis
200 East Randolph Drive
Chicago, IL 60601

Re: *Polaroid Corporation v. Hewlett-Packard Company*
USDC-D. Del. - C.A. No. 06-738 (SLR)

One Congress Plaza
Suite 810
111 Congress Avenue
Austin, TX 78701

Telephone
512 472-5070

Facsimile
512 320-8935

Web Site
www.fr.com

John Bustamante
512 226-8107

Email
bustamante@fr.com



ATLANTA
AUSTIN
BOSTON
DALLAS
DELAWARE
MUNICH
NEW YORK
SAN DIEGO
SILICON VALLEY
TWIN CITIES
WASHINGTON, DC

Dear Ms. Jordan:

Today, Mr. Manuel C. Turchan objected to the production of the settlement agreement between Hewlett-Packard, QQC, Inc., Manuel Turchan and Pravin Mistry. As this objection came after the set deadline, the agreement was produced bearing Bates range HP_66695-HP_66707. In light of Mr. Turchan's objection, we request that Polaroid (1) sequester, retrieve, and destroy any copies made of this document and (2) do not use this documents in any way.

I have copied Mr. Turchan on this letter so that you may contact him regarding his objections and any additional restrictions on the production of this document. Please copy me on any correspondence relating to the possible re-production of this document.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in cursive script that reads 'John Bustamante / ctt'.

John Bustamante

JYB/ctl

cc: Manuel Turchan (VIA EMAIL - mct@turchan.com)

11028607.doc

EXHIBIT 31

Courtney
Holohan/Chicago/Kirkland-Elli
s

10/03/2007 06:16 PM

To mct@turchan.com

cc bustamante@fr.com

bcc Adam Duerr/Chicago/Kirkland-Ellis

Subject HP 66695-HP 66707

Dear Mr. Turchan:

I represent Polaroid Corporation in Polaroid v. HP Company, Case No. 06-738. I received today a letter from John Bustamante, counsel for HP, requesting that we destroy document bates labelled HP 66695-HP 66707, pursuant to your objection, the basis of which Mr. Bustamante did not specify. I have destroyed my copy of the document, and I am in the process of confirming that any other copies of the document that we have at Kirkland & Ellis are destroyed.

I would like to discuss with you your objection to the production of this document as Outside Counsel Only pursuant to the Protective Order in this case, which I attach for your convenience. Please let me know when is a convenient time to discuss and resolve this issue this week.

I look forward to speaking with you.

Best regards,

Courtney Holohan

G. Courtney Holohan
Kirkland & Ellis LLP
200 E. Randolph Drive
Chicago, IL 60601
Phone: 312-861-3027
Fax: 312-861-2200

<<< Attachment 'Polaroid - Stipulated Protective Order.pdf' has been archived by user
'CommonStore/IT/Kirkland-Ellis' on '12/03/2007 20:05:09'. >>>

EXHIBIT 32

Celina Laney

From: Turchan, Manuel C. [mct@turchan.com]
Sent: Friday, October 05, 2007 1:06 PM
To: Celina Laney
Subject: RE: HP/Polaroid - 18296-013LL1 - 2007-10-03 Later to Jordan fr Bustamante re Turchan

I have discussed this matter with my counsel, spoken with Polaroid counsel, further reiterated the issues with my counsel and pending confirmation from Fish & Richardson that they will reimburse my legal costs (\$750), I am willing to retract my objection.

Manuel C. Turchan
Turchan Technologies Group, Inc.
P: (313) 581-0043
F: (313) 581-2480

From: Celina Laney [mailto:Laney@fr.com]
Sent: Wednesday, October 03, 2007 4:23 PM
To: Turchan, Manuel C.
Subject: HP/Polaroid - 18296-013LL1 - 2007-10-03 Ltr to Jordan fr Bustamante re Turchan

PLEASE SEE ATTACHED CORRESPONDENCE ON BEHALF OF JOHN BUSTAMANTE.

THANK YOU,

Celina Laney

 FISH & RICHARDSON, P.C.
ONE CONGRESS PLAZA
III CONGRESS AVENUE, SUITE 810
AUSTIN, TEXAS 78701
DIRECT DIAL: (512) 226-8117
MAIN NO. (512) 472-5070
FAX NO. (512) 320-8935
LANEY@FR.COM

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10/8/2007

EXHIBIT 33

FISH & RICHARDSON P.C.

Frederick P. Fish
1855-1930

W.K. Richardson
1859-1951

VIA EMAIL (cholohan@kirkland.com)

October 8, 2007

Courtney Holohan
Kirkland & Ellis, L.L.P.
200 East Randolph Drive
Chicago, Illinois 60601

Re: *Polaroid Corporation v. Hewlett-Packard Company*
USDC-D. Del. - C.A. No. 06-738 (SLR)

One Congress Plaza
Suite 810
111 Congress Avenue
Austin, TX 78701

Telephone
512 472-5070

Facsimile
512 320-8935

Web Site
www.fr.com

John Bustamante
512 226-8107

Email
bustamante@fr.com



Dear Ms. Holohan:

ATLANTA
AUSTIN
BOSTON
DALLAS
DELAWARE
MUNICH
NEW YORK
SAN DIEGO
SILICON VALLEY
TWIN CITIES
WASHINGTON, DC

In your October 7th letter to Mr. Coburn, you state that Mr. Turchan has withdrawn his objection to the production of the agreement between himself, QQC, Mr. Mistry and Hewlett Packard. I do not believe that this represents Mr. Turchan's current position. As noted in the attached correspondence, Mr. Turchan's withdrawal of the objection is subject to a condition precedent; a condition that has not been met. Further, Hewlett Packard does not agree to pay Mr. Turchan's expenses that were incurred without Hewlett Packard's approval and without cause. If Polaroid would like to pay these expenses, the condition will be met and I will re-produce this agreement under the protective order.

Please do not hesitate to contact me if you have any questions.

Very truly yours,


John Bustamante

JYB/ctl

11028831.doc

Celina Laney

From: Turchan, Manuel C. [mct@turchan.com]
Sent: Friday, October 05, 2007 1:06 PM
To: Celina Laney
Subject: RE: HP/Polaroid - 18296-013LL1 - 2007-10-03 Later to Jordan fr Bustamante re Turchan

I have discussed this matter with my counsel, spoken with Polaroid counsel, further reiterated the issues with my counsel and pending confirmation from Fish & Richardson that they will reimburse my legal costs (\$750), I am willing to retract my objection.


Manuel C. Turchan
Turchan Technologies Group, Inc.
P: (313) 581-0043
F: (313) 581-2480

From: Celina Laney [mailto:Laney@fr.com]
Sent: Wednesday, October 03, 2007 4:23 PM
To: Turchan, Manuel C.
Subject: HP/Polaroid - 18296-013LL1 - 2007-10-03 Ltr to Jordan fr Bustamante re Turchan

PLEASE SEE ATTACHED CORRESPONDENCE ON BEHALF OF JOHN BUSTAMANTE.

THANK YOU,

Celina Laney

 **FISH & RICHARDSON, P.C.**
ONE CONGRESS PLAZA
III CONGRESS AVENUE, SUITE 810
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LANEY@FR.COM

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10/8/2007

EXHIBIT 34

KIRKLAND & ELLIS LLP

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www.kirkland.com

Maria A. Meginnes
To Call Writer Directly:
312.861.3220
mmeginnes@kirkland.com

Facsimile:
(312) 861-2200
Dir. Fax: 312.846.9196

April 28, 2008

VIA EMAIL

Matthew C. Bernstein, Esq.
Mintz Levin Cohn Ferris Glovsky and Popeo PC
5355 Mira Sorrento Place, Suite 600
San Diego, CA 92121-3039

Re: *Polaroid Corporation v. Hewlett-Packard Company*
USDC-D. Del. - C.A. No. 06-738 (SLR)

Dear Mr. Bernstein:

I write regarding the report filed by Robert H. Wallace. A document Bates-stamped HP_66695-66707 is cited on page 11 of Exhibit 6 to Mr. Wallace's report. Polaroid does not have a copy of this document in HP's production. Please produce this document.

Very truly yours,

Maria A. Meginnes

Maria A. Meginnes

cc: William M. Boyd, Esq.
Jack B. Blumenfeld, Esq.

EXHIBIT 35

----- Forwarded by Maria Meginnes/Chicago/Kirkland-Ellis on 04/28/2008 04:35 PM -----

"Bernstein, Matthew"
<MBernstein@mintz.com> To "Maria Meginnes" <MMeginnes@kirkland.com>
04/28/2008 02:32 PM cc
Subject: RE: Polaroid v. HP: Correspondence
ct

Maria,

The document referenced in your letter should be attached. Our records indicate it was produced to your office in 10/07. Please let me know if you have any questions.

Regards,
Matt

From: Maria Meginnes [mailto:MMeginnes@kirkland.com]
Sent: Monday, April 28, 2008 12:17 PM
To: Bernstein, Matthew
Subject: Polaroid v. HP: Correspondence

Dear Matthew,

Please see the attached.

Best regards,

Maria

Maria A. Meginnes | Attorney | **Kirkland & Ellis LLP**
200 EAST RANDOLPH DRIVE • 73RD FLOOR | CHICAGO, IL 60601 | TEL: (312) 861-3220 | FAX: (312) 846-9196

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reimbursed for reasonable costs incurred in notifying us. HP0066695-HP0066707 - Settlement Agreement.pdf

EXHIBIT 36

Courtney
Holohan/Chicago/Kirkland-Elli
s

To coburn@fr.com

cc

10/03/2007 07:01 PM

bcc Katie O' Brien/Chicago/Kirkland-Ellis

Subject: Document Production

Bradley:

I write to follow up on your letter of today to Michelle Jordan. Consistent with our previous written requests, please let us know what you mean by "all licenses" in your letter of today, including a description of the search HP has conducted. Particularly in light of the few license and settlement agreements produced, we remain concerned that we have not received all responsive documents in this category. Please also produce all documents and agreements referenced in the produced licenses, settlement agreements, cross licenses, and related documents. Please also provide us with the name and contact information of any third party who has objected to production or requested additional information, as described in your letter of today.

Best regards,

Courtney Holohan

G. Courtney Holohan
Kirkland & Ellis LLP
200 E. Randolph Drive
Chicago, IL 60601
Phone: 312-861-3027
Fax: 312-861-2200

EXHIBIT 37

KIRKLAND & ELLIS LLP
AND AFFILIATED PARTNERSHIPS

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Chicago, Illinois 60601

Courtney Holohan
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cholohan@kirkland.com

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October 7, 2007

VIA EMAIL

Bradley D. Coburn, Esq.
Fish & Richardson, P.C.
One Congress Plaza
Suite 810
Austin, Texas 78701

Re: *Polaroid Corporation v. Hewlett Packard Company*
USDC-D. Del.-C.A. No. 06-738 (SLR)

Dear Mr. Coburn:

I write in response to your letter dated October 5, 2007 regarding HP's production of license agreements.

We believe your list omits at least the following information to which the parties specifically agreed during their meet and confer discussions:

- Although you only mention "licenses that were entered into between the years 1997 and 2007," the parties agreed that HP also would produce any license that was renewed during this timeframe.
- The parties agreed that HP would also produce any cross-license agreement that contains a lump sum or running royalty in either direction; the only cross license agreements that HP need not produce are those that are completely royalty free at all times during the life of the agreement.
- The parties agreed that HP would produce licenses related to scanners, including all-in-ones, in addition to those related to printers, cameras, software, and kiosks.

Please confirm that HP is searching for, and intends to produce, this information as well.

October 7, 2007

Page 2

In addition, as I requested in my e-mail of yesterday, please (1) produce the Turchan agreement; (2) provide status and contact information for FoxLink, Konica, and Microsoft; and (3) confirm that you will produce all documents referenced in any produced agreement.

Finally, please provide a date certain by which all agreements will be produced.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Courtney", followed by a horizontal line extending to the right.

Courtney Holohan

cc: William M. Boyd, Esq.
Jack M. Blumenfeld, Esq.

EXHIBIT 38

KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

200 East Randolph Drive
Chicago, Illinois 60601

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cholohan@kirkland.com

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Facsimile:
(312) 861-2200
Dir. Fax: (312) 861-2200

October 19, 2007

VIA EMAIL

Bradley D. Coburn, Esq.
Fish & Richardson, P.C.
111 Congress Avenue, Suite 810
Austin, TX 78701

Re: *Polaroid Corporation v. Hewlett Packard Company*
USDC-D. Del.-C.A. No. 06-738 (SLR)

Dear Mr. Coburn:

I write in response to your letter of October 9, 2007 to David Higer, and to follow up on our letters of October 4, 2007 and October 7, 2007 regarding HP's deficient document production.

In appropriately completing its document production, Polaroid complied with the Federal Rules of Civil Procedure, and complied with HP's unreasonable insistence on broad search requests. Your unspecified, vague accusations that Polaroid did anything other than spend an incredible amount of time and money ensuring that its production complied with HP's demands, is nothing more than makeweight calculated to inappropriately increase the costs of this litigation. We fully explained the genesis of the few documents that you cite in our letter of October 4, 2007. In response — highlighting HP's continuing frivolous and inappropriate allegations — HP does not identify a single document that it believes it is missing.

In contrast, we have identified a number of very specific documents that we are missing from HP's production. *See, e.g.,* Letters of October 4, 7, 18 and 19. Rather than make *any* attempt to search for and produce the relevant documents that we have requested — and rather than cite to a single bates number in support of any argument that HP has actually produced the documents we believe we are missing — *HP actually demands that Polaroid re-raise its concerns regarding these previously identified missing documents*, once again unnecessarily and inappropriately increasing the costs of this action.

Pursuant to HP's inappropriate demand, we reiterate our specific requests for documents missing from HP's production on the following page.

October 19, 2007

Page 2

- (i) **TACE** source code.
- (ii) **Product manuals and guides, and specification and data sheets**, for HP's products listed in Interrogatory No. 15, and for any other HP offering that includes adaptive lighting or digital flash.
- (iii) **Product development documents** for HP's products listed in Interrogatory No. 15, and for any other HP offering that includes adaptive lighting or digital flash. Examples of the types of product development documents that we would expect to find in HP's production for these products are Program Meeting/Digital Imaging Team Meeting Notes, Test Design Documents, Consumer Messaging Documents, Documentation Data Sheets, User Experience Specifications, Software Planning Documents, Statement of Work Documents, Project Plans, Product Data Sheets, Design Documents (*e.g.*, IRS, SFS), Product Development Plans, Program Schedules, Test/Quality Plans, Prototype Builds, Tooling Budget and Schedule, Alpha and Beta Testing Documents, Assembly and Process Documents, Operational Plans, etc.
- (iv) **Market research** information for HP's products listed in Interrogatory No. 15, and for any other HP offering that includes adaptive lighting or digital flash, as specifically described in Polaroid's October 18, 2007 letter regarding E. Dogan's deposition.
- (v) Documents related to **sales** of the products at issue, including unit, price, profit, revenue, cost, and bills of material, as described in Polaroid's letter of October 18 regarding E. Dogan's deposition. We would also expect to find **internal financial reporting documents** for divisions that cover HP's products listed in Interrogatory No. 15, and for any other HP offering that includes adaptive lighting or digital flash. Examples of such internal financial reporting documents that we would expect to see, for example, are Imaging and Printing Group quarterly and annual financial reports, Personal Printing quarterly and annual financial reports, and Consumer Imaging & Printing quarterly and annual financial reports.
- (vi) **Convoy sales** documents, as described in Polaroid's letter of October 19.
- (vii) All **license, settlement, and cross license agreements** from 1997 to the present — as discussed during our meet and confer on September 13 and 14, and as we have requested in follow up correspondence (*see, e.g.*, October 7, 2007 letter) — including but not limited to HP's method for valuing or evaluating patent licensing agreements, documents cited within produced agreements, and documents relating to the communications and negotiations of these license agreements. As we have previously explained, the categories you have set forth (most recently in your letter dated October 11 and sent to us on October 12) do not capture all of the licenses at issue. Please produce the remaining agreements, and then confirm in writing that HP has produced every single document described in my October 7, 2007 letter.

October 19, 2007

Page 3

(viii) **Board meeting minutes and presentations.**

(ix) **Moroney documents**, including for example, documents and communications regarding Moroney's work on 6,813,041, 6,822,762, 6,741,753, and *Local Color Correction*; deposition transcripts; and communications between Moroney and Polaroid.

Again, if HP contends that it has produced sufficient documents responsive to the specific requests Polaroid has outlined above, please confirm by identifying those documents by Bates number. Otherwise, we again request that HP supplement its production with at least these documents by Tuesday, October 23, 2007.

Very truly yours,

/Courtney/

Courtney Holohan

cc: William M. Boyd, Esq.
Jack M. Blumenfeld, Esq.

EXHIBIT 39

"Jennifer Pierce"
<pierce@fr.com>

03/11/2008 08:28 AM

To <ggerst@kirkland.com>

cc

Subject HP/Polaroid: document production

Dear Mr. Gerst:

Attached please find HP's production document labeled HP_95334-HP_95344. This document has been labeled Outside Counsel Only, under the protective order.

Thank you for your attention to this matter.

Regards,

Jennifer L. Pierce
Litigation Case Manager

~ Fish & Richardson P.C.

919 N. Market Street, Suite 1100 | P.O. Box 1114 | Wilmington, DE 19899-1114

' (302) 778-8422 | ✉ pierce@fr.com | www.fr.com

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EXHIBIT 40

REDACTED

EXHIBIT 41

"Jennifer Pierce"

<pierce@fr.com>

03/12/2008 02:43 PM

To <MMeginnes@kirkland.com>, <dhiger@kirkland.com>

cc

Subject HP/Polaroid: document production

Dear Ms. Meginnes & Mr. Higer:

Attached please find HP's production document labeled HP_95345-HP_95363, which is the attachment to previously produced HP_66069-HP_66081. This document has been labeled Outside Counsel Only, under the protective order. Thank you for your attention to this matter.

Regards,

Jennifer L. Pierce

Litigation Case Manager

~ Fish & Richardson P.C.

919 N. Market Street, Suite 1100 | P.O. Box 1114 | Wilmington, DE 19899-1114

' (302) 778-8422 | [✉ pierce@fr.com](mailto:pierce@fr.com) | www.fr.com

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EXHIBIT 42

FISH & RICHARDSON P.C.

Frederick P. Fish
1855-1930

W.K. Richardson
1859-1951

12390 El Camino Real
San Diego, California
92130

Telephone
858 678-5070

Facsimile
858 678-5099

Web Site
www.fr.com

VIA EMAIL

April 2, 2008

Maria A. Meginnes
Kirkland & Ellis
200 East Randolph Drive
Chicago, IL 60601

Re: *Polaroid Corporation v. Hewlett-Packard Company*
USDC-D. Del. - C.A. No. 06-738 (SLR) (D.Del.)



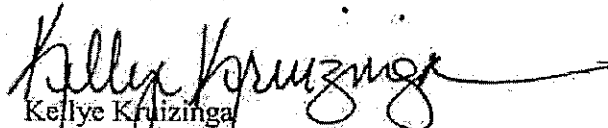
Dear Ms. Meginnes:

Attached hereto, please find a recently executed HP agreement bearing bates number:

HP_97162 – HP_97221 – Motorola Agreement

This document is designated as OUTSIDE COUNSEL ONLY and under the protective order needs to be treated as such.

Very truly yours,


Kellye Kruizinga
Litigation Paralegal

Encl.

10823783.doc

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AUSTIN

BOSTON

DALLAS

DELAWARE

MUNICH

NEW YORK

SAN DIEGO

SILICON VALLEY

TWIN CITIES

WASHINGTON, DC

EXHIBIT 43

KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

200 East Randolph Drive
Chicago, Illinois 60601

Maria A. Meginnes
To Call Writer Directly:
312.861.3220
mmeginnes@kirkland.com

(312) 861-2000
www.kirkland.com

Facsimile:
(312) 861-2200
Dir. Fax: 312.846.9196

April 2, 2008

VIA EMAIL

John E. Giust, Esq.
Fish & Richardson, P.C.
12390 El Camino Real
San Diego, CA 92130

Re: *Polaroid Corporation v. Hewlett-Packard Company*
USDC-D. Del. - C.A. No. 06-738 (SLR)

Dear Mr. Giust:

I write to object to HP's late production of the document Bates-stamped HP_97162--HP_97221. Please be advised that Polaroid will move to preclude HP's or its experts' use of, and reliance on, this agreement.

Very truly yours,



Maria A. Meginnes

cc: William M. Boyd, Esq.
Jack B. Blumenfeld, Esq.

EXHIBIT 44

REDACTED

EXHIBIT 45

FISH & RICHARDSON P.C.

Frederick P. Fish
1855-1930

W.K. Richardson
1859-1951

VIA EMAIL

April 18, 2008

Maria A. Meginnes
Kirkland & Ellis
200 East Randolph Drive
Chicago, IL 60601

Re: *Polaroid Corporation v. Hewlett-Packard Company*
USDC-D. Del. - C.A. No. 06-738 (SLR) (D.Del.)

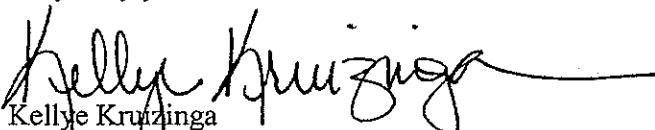


Dear Ms. Meginnes:

Attached hereto, please find an HP production document bearing bates number HP97229.

The document is designated as CONFIDENTIAL and under the protective order needs to be treated as such.

Very truly yours,


Kellye Kruzina
Litigation Paralegal

Encl.

10827781.doc

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EXHIBIT 46

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mmeginnes@kirkland.com

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Dir. Fax: 312.846.9196

April 22, 2008

VIA EMAIL

John E. Giust, Esq.
Mintz Levin Cohn Ferris Glovsky and Popeo PC
5355 Mira Sorrento Place, Suite 600
San Diego, CA 92121-3039

Re: *Polaroid Corporation v. Hewlett-Packard Company*
USDC-D. Del. - C.A. No. 06-738 (SLR)

Dear Mr. Giust:

I write to object to HP's late production of the document Bates-stamped HP_97229. Please be advised that Polaroid will move at the appropriate time to preclude HP's or its experts' use of, and reliance on, these documents.

Very truly yours,

Maria A. Meginnes

Maria A. Meginnes

cc: William M. Boyd, Esq.
Jack B. Blumenfeld, Esq.

EXHIBIT 47

REDACTED

EXHIBIT 48

FISH & RICHARDSON P.C.

Frederick P. Fish
1855-1930

W.K. Richardson
1859-1951

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VIA EMAIL

March 13, 2008

Maria A. Meginnes
C. Graham Gerst
Kirkland & Ellis
200 East Randolph Drive
Chicago, IL 60601

Re: *Polaroid Corporation v. Hewlett-Packard Company*
USDC-D. Del. - C.A. No. 06-738 (SLR) (D.Del.)



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AUSTIN

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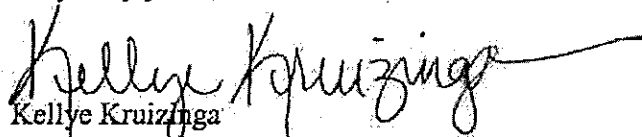
Dear Counsel:

Attached hereto, please find an HP Production document bearing bates number:

HP_95364 – Polaroid SKU Pricing - (Excel Spreadsheet)

This document is designated as OUTSIDE COUNSEL ONLY and under the protective order needs to be treated as such.

Very truly yours,


Kellye Kruizinga
Litigation Paralegal

Encl.

10818934.doc

EXHIBIT 49

FISH & RICHARDSON P.C.

Frederick P. Fish
1855-1930

W.K. Richardson
1859-1951

VIA EMAIL

March 31, 2008

Maria A. Meginnes
Kirkland & Ellis
200 East Randolph Drive
Chicago, IL 60601

Re: *Polaroid Corporation v. Hewlett-Packard Company*
USDC-D. Del. - C.A. No. 06-738 (SLR) (D.Del.)



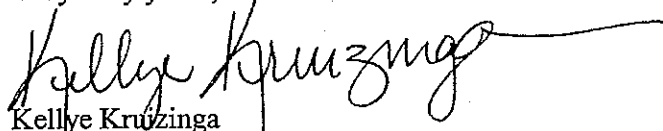
Dear Ms. Meginnes:

Attached hereto, please find an HP Production bearing bates:

HP_97160 – legal_frank_mar08_v2; and
HP_97161 – legal_frank_mar26_addl skus from Mar10 email

The documents are designated as OUTSIDE COUNSEL ONLY, and under the protective order need to be treated as such.

Very truly yours,


Kellye Kruzinga
Litigation Paralegal

Encl.

10823297.doc

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EXHIBIT 50

FISH & RICHARDSON P.C.

Frederick P. Fish
1855-1930

W.K. Richardson
1859-1951

VIA EMAIL

April 11, 2008

Maria A. Meginnis
Kirkland & Ellis
200 East Randolph Drive
Chicago, IL 60601

Re: *Polaroid Corporation v. Hewlett-Packard Company*
USDC-D. Del. - C.A. No. 06-738 (SLR) (D.Del.)



Dear Ms. Meginnis:

Attached hereto, please find the following excel spreadsheets bearing bates range
HP_97222 - HP_97224:

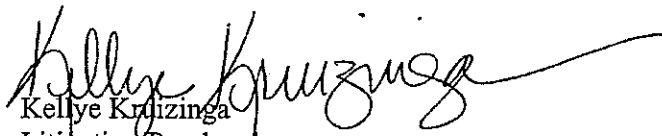
HP_97222 - HP Patent List

HP_97223 - PSIZusepermonth

HP_97224 - PE Data_Summer06

The documents are designated as OUTSIDE COUNSEL ONLY and under the
protective order needs to be treated as such.

Very truly yours,


Kellye Krulizinga
Litigation Paralegal

Encls.

10826124.doc

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Dir. Fax: 312.846.9196

April 14, 2008

VIA EMAIL

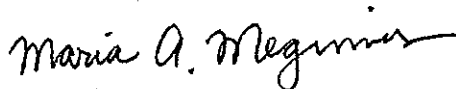
John E. Giust, Esq.
Fish & Richardson, P.C.
12390 El Camino Real
San Diego, CA 92130

Re: *Polaroid Corporation v. Hewlett-Packard Company*
USDC-D. Del. - C.A. No. 06-738 (SLR)

Dear Mr. Giust:

I write to object to HP's late production of the documents Bates-stamped HP_97160, HP_97161, HP_97222, HP_97223, and HP_97224. Please be advised that Polaroid will move at the appropriate time to preclude HP's or its experts' use of, and reliance on, these documents.

Very truly yours,



Maria A. Meginnes

cc: William M. Boyd, Esq.
Jack B. Blumenfeld, Esq.